

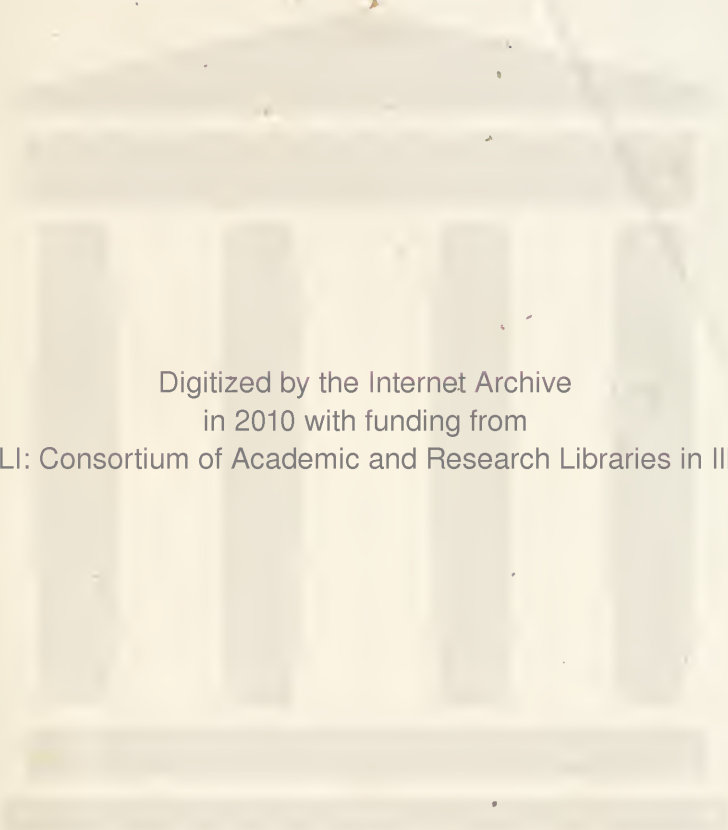
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LAWS

OF

THE STATE OF ILLINOIS,

PASSED BY THE

WENTIETH GENERAL ASSEMBLY.

CONVENED JANUARY 5, 1857.

SPRINGFIELD:

LANPHIER & WALKER, PRINTERS.

1857.



PUBLIC LAWS.

AN ACT to establish the nineteenth judicial circuit, and declare what counties shall compose the third judicial circuit, and to fix the times of holding courts in said circuits. In force January 29, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the counties of Pulaski, Massac, Pope, Hardin, Gallatin and Saline shall compose a judicial circuit, to be called the "nineteenth judicial circuit of the state of Illinois," and that circuit courts shall be holden at the respective county seats of the said counties at the times following, to-wit :

In the county of Pulaski, on the second Monday in April and first Monday in September. Times of holding courts.

In the county of Massac, on the Mondays following.

In the county of Pope, on the second Mondays following.

In the county of Hardin, on the Mondays following.

In the county of Gallatin on the second Mondays following, and

In the county of Saline, on the second Mondays following.

§ 2. All writs, subpoenas and recognizances and other process, which may have been or may be issued and made returnable to the terms of circuit courts in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the circuit courts in said counties, as herein required to be holden; and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden shall, by force of this act, refer to the terms of the court required to be held under this act in said counties; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the times of holding said courts. Process.

§ 3. On the second Monday in March next an election for a judge and a state's attorney of said judicial circuit Election.

shall be holden, which shall be conducted, and returns thereof made and certified and canvassed in the manner provided by the constitution and laws of this state. Said judge, when elected, shall hold his office until the next regular and general election for judges, as provided by the constitution, and until his successor is elected and qualified.

§ 4. The said circuit judge, when elected, shall exercise all the powers, perform all the duties, and have all the jurisdiction and authority now had or hereafter to be required of or exercised by circuit judges of this state, under the constitution and laws of this state, and shall receive the same compensation as other judges are entitled to receive by the constitution and laws of this state.

§ 5. The state's attorney elected under this act shall discharge all the duties and receive the like fees and compensation for services as such as appertain to said office by the constitution and laws of this state.

§ 6. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties, and the clerks of the county courts of said counties shall issue notices of the said election to the sheriffs thereof, respectively, which notices shall be posted up by them in the several precincts, in all respects in like manner as provided in the constitution and laws of this state for holding general elections.

§ 7. That the counties of Johnson, Williamson, Franklin, Perry, Jackson, Union and Alexander shall compose the third judicial circuit of the state of Illinois; and the circuit courts of said counties shall be held at the respective county seats thereof at the times following, to-wit:

In the county of Johnson, on the fourth Monday in March and third Monday in August.

In the county of Williamson, on the Mondays following.

In the county of Franklin, on the second Mondays following.

In the county of Perry, on the Mondays following.

In the county of Jackson, on the Mondays following.

In the county of Union, on the second Mondays following, and

In the county of Alexander, on the second Mondays following, and to continue in the last mentioned county indefinitely until the business therein shall be disposed of.

All writs, subpoenas, recognizances and other process which may have been or may be issued and made returnable to the terms of courts in the said third judicial circuit, as heretofore required to be holden, shall be deemed and taken to be returnable to the said terms of the court as required to be holden under this act; and all notices which

Third circuit.

Times of holding courts.

Process.

may have been given, either by publication or otherwise, with reference of [to] the terms as heretofore required to be holden, shall, by force of this act, refer to the terms of courts as required to be holden under this act; and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the time of holding said courts.

§ 8. All acts and parts of acts conflicting with the provisions of this act shall be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 7, 1857.

AN ACT to change the fifth and tenth judicial circuits, and fix the time of holding courts therein. In force January 29, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the fifth judicial circuit shall be composed of the counties of Fulton, McDonough, Schuyler, Brown and Pike, and the tenth judicial circuit shall be composed of the counties of Mercer, Henderson, Warren and Knox.

§ 2 That hereafter courts shall be holden in said counties as follows, to-wit:

Fulton, on the fourth Mondays of February, on the fourth Mondays of May, and on the second Mondays of November. Times of holding courts.

Pike, on the second Mondays of March and on the first Mondays of September.

McDonough, on the first Mondays of April and on the first Mondays of October.

Brown, on the third Mondays of April and on the fourth Mondays of September.

Schuyler, on the fourth Mondays of April and on the third Mondays of October.

Mercer, on the second Mondays of March and on the last Mondays of August.

Warren, on the third Mondays of March and on the third Mondays of September.

Henderson, on the first Mondays of April and on the second Mondays of September.

Knox, on the third Mondays of April and on the third Mondays of October in each year.

§ 3. All summonses, subpoenas, writs, notices, declarations in ejectment, bonds, recognizances, venire, and pro-

cess of every description made and served for or returnable to the terms as now fixed by law, shall be sufficient for the terms in the several counties, respectively, occurring after the passage of this act, and be treated with like force and effect as if the same had been issued, given or made returnable to the said several terms, as herein provided for; and whenever the period of one year shall expire from the rendition of any judgment in ejectment before the terms as herein fixed by this act, whereby any party shall be prevented from making a motion to vacate the judgment and for a new trial under the provisions of the statutes, it shall and may be lawful to make such motion at the term fixed first occurring after the expiration of such year, and the like proceedings shall be had thereon as if the same had been made within the said period of one year.

§ 4. This act shall be in force from and after its passage.

APPROVED Jan. 29, 1857.

In force February 5, 1857. AN ACT to establish the twenty-second judicial circuit, and to fix the time for holding courts in the sixth circuit.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the counties of Lee, Ogle, Whiteside and Carroll shall compose a judicial circuit, to be called the "the twenty-second judicial circuit of the state of Illinois," and the circuit courts shall be holden at the respective county seats of the said counties at the times following, viz :*

Times of holding courts.

In the county of Ogle, on the first Mondays in March, June and October.

In the county of Carroll, on the third Mondays in March and third Mondays in October.

In the county of Whiteside, on the fourth Mondays in March and fourth Mondays in October.

In the county of Lee, on the second Mondays in April, the third Mondays in June and second Mondays in November.

Election

§ 2. Or, the first Monday of March next an election for a judge and state's attorney for said judicial circuit shall be holden, which shall be conducted and returns thereof made and certified and canvassed in the manner provided by the constitution and laws of this state. Said judge, when elected, shall hold his office until the next regular and general election for judges, as provided by the constitution, and until his successor shall be elected and qualified.

§ 3. The said circuit judge, when elected, shall exercise all the powers, perform all the duties and have all the jurisdiction and authority now had or hereafter to be required of or exercised by circuit judges of this state under the constitution and laws of this state, and shall receive the same compensation as other judges are entitled to receive by the constitution and laws of this state. Jurisdiction.

§ 4. The state's attorney elected under this act shall discharge all the duties and receive the like fees and compensation for services as such as appertain to said office by the constitution and laws of this state.

§ 5. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties; and the clerks of the county courts of said counties shall issue notices for the said election to the sheriffs thereof, respectively, which notices shall be posted up by them in the several precincts, in all respects in like manner as provided by the constitution and laws of this state for holding general elections thereof.

§ 6. That the circuit courts of the counties composing the sixth judicial circuit shall be holden at the county seats of the respective counties at the times following, viz: Sixth circuit.

In the county of Rock Island, on the third Mondays in March, the first Mondays in June, September and December. Times of holding courts.

In the county of Henry, on the second Mondays in April and first Mondays in October.

§ 7. All indictments, suits, causes, motions, recognizances and other proceedings pending in said courts shall stand for hearing, trial, judgment and disposition at the terms of the court fixed by this act, in the same manner and with like effect as if no change had been made in the times of holding said courts. All recognizances, writs and process, heretofore or hereafter to be entered into, issued or returnable to the terms of said courts, as heretofore required to be holden, shall be deemed and held to be returnable to the terms as fixed by this act. No right which any party, plaintiff or defendant, in any action of ejectment had by virtue of any law now in force to a new trial in such action, shall be prejudiced or in any manner taken away by any change or alteration made by this act in the times of holding courts in any of the counties in said circuit, but new trials shall be granted at the regular terms, where the parties would be entitled to new trials, the same as if the times of holding said terms had not been changed. Process.

§ 8. The judges of said circuits may, when they shall deem it for the public interest, call a special term of the circuit court in any county of said circuits, for the trans- Special terms.

action of either criminal, chancery or common law business exclusively; and when a special term shall be called for doing chancery business exclusively no jurors shall be summoned, and when called for the transaction of the common law business exclusively no grand jury shall be summoned to attend said terms.

Duty of county
courts.

§ 9. The county courts or the boards of supervisors, (as the case may be,) in the respective counties in the sixth judicial circuit, in which the circuit courts are allowed to sit more than two weeks, are authorized to select forty-eight qualified jurymen to serve as petit jurors during the term of the circuit court; twenty-four of whom shall be selected to serve during the first two weeks of the court, and summoned to attend on the first day of the term, and twenty-four shall be selected to serve during the balance of the term, and summoned to attend on the third Monday of the term.

§ 10. This act shall take effect and be in force from and after its passage, and the secretary of state is directed to have the same printed, and to transmit without delay five copies thereof to the clerk of each circuit court in the sixth judicial circuit.

APPROVED Feb. 5, 1857.

In force February
7, 1857.

AN ACT establishing the twenty-first judicial circuit.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the counties of Woodford, Tazewell, Mason, Cass and Menard shall compose a judicial circuit, to be called the "twenty-first judicial district," and that circuit courts shall be holden at the county seats of said counties at the times following, to wit:*

SPRING TERMS.

Times of holding
courts

In the county of Woodford, on the last Monday of March in each year.

In Tazewell county, one week thereafter.

In the county of Mason, two weeks thereafter.

In the county of Cass, two weeks thereafter.

In the county of Menard, two weeks thereafter.

FALL TERMS.

In the county of Woodford, on the first Monday in October in each year.

In the county of Tazewell, one week thereafter.

In the county of Mason, two weeks thereafter.

In the county of Menard, two weeks thereafter.

In the county of Cass, one week thereafter.

§ 2. There shall be an election holden in the counties above named on the second Monday of March next, for the election of circuit judge of said circuit and of a state's attorney therefor, which election shall be conducted, the returns made and canvassed in the manner provided by the constitution and laws of this state. Said judge and state's attorney, when elected, commissioned and qualified, shall hold their offices until the next general election of judges and state's attorneys, as provided by the constitution, and until their successors are elected and qualified.

Election to be held.

§ 3. The said circuit judge and state's attorney, when elected and qualified, shall exercise all the powers, perform all the duties now conferred upon and exercised by similar officers under the constitution and laws of this state, and shall receive therefor the same compensation that other judges and state's attorneys are entitled to receive by the constitution and laws of this state.

Jurisdiction.

§ 4. The judges and state's attorney now having jurisdiction and exercising authority within said counties, shall hold and exercise such jurisdiction and authority until the judge and state's attorney in this act provided for the judicial circuit herein created shall be elected, commissioned and qualified.

§ 5. All writs, recognizances and process which may have been or may be issued and made returnable to the terms of court in said counties, as now required to be holden, shall be deemed and taken to be returnable to the terms of said courts as established by this act. And all notices which may have been given, either by publication or otherwise, with reference to the terms heretofore established in said counties, shall by force of this act refer to the terms of court as herein established; and all proceedings pending in the courts of said counties shall be taken up, heard and disposed of at the several terms herein established, as if no alteration had been made in the times of holding said courts.

Process.

§ 6. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to the clerks of the circuit and county courts of said counties establishing the circuit hereby created, and the clerks of the county courts of said counties shall issue notices for said election to the sheriffs of said counties, notifying the qualified electors of said counties, which shall be posted up by the sheriffs in the several towns and precincts in said counties in the same manner as now provided by the constitution and laws of this state for holding general elections. This act to be in force from and after its passage.

APPROVED Feb. 7, 1857.

in force Feb. 7, 1857. AN ACT to change the time of holding courts in the fourteenth judicial circuit.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That hereafter the circuit courts shall be holden at the respective county seats of the counties composing the fourteenth judicial circuit at the times following, to wit:

Times of holding
courts.

In the county of Jo Daviess, on the third Monday in October, on the second Monday in March, on the third Monday in May, and on the third Monday in August.

In the county of Stephenson, on the first Monday in September, on the first Monday in December, and on the first Monday in April.

In the county of Winnebago, on the fourth Monday of September, on the first Monday of February, and on the fourth Monday in April in each and every year.

Process.

§ 2. All writs and process which may have been or may be issued and made returnable to the terms of courts in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the courts as required to be holden under this act, and all notices which may have been given, either by publication or otherwise, in reference to the terms as heretofore required to be held, and all proceedings pending in said courts, shall be taken up and disposed of as if no alteration had been made in the time of holding said courts.

§ 3. All acts and parts of acts conflicting with the provisions of this act shall be and the same are hereby repealed.

§ 4. This act to take effect and be in force from and after the first day of April next.

APPROVED Feb. 7, 1857.

in force Feb. 14, 1857. AN ACT to change the time of holding courts in the seventh and thirteenth judicial circuits, and to regulate the practice therein, and in the Cook county court of common pleas.

Vacation terms.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in General Assembly,* That the vacation terms of the circuit court of Cook county shall hereafter be held on the first Monday of March and the second Monday of October, and the trial terms of said court on the second Monday of April and the third Monday of November.

Terms of holding
courts.

§ 2. That the terms of the Lake county circuit court shall hereafter be held on the first Mondays of February

and June, and the fourth Monday of September in each year.

§ 3. That from and after the first day of July next the circuit courts in the thirteenth judicial circuit shall be held as follows: In the county of Kane, on the third Monday in January and on the second Mondays of May and November in each year. In the county of Boone, on the last Mondays in February and September. In the county of De Kalb, on the first Mondays in April and October. In the county of McHenry, on the Tuesdays after the third Mondays in April and October. The January and November terms of the Kane county circuit court shall be held for the transaction of civil and criminal business, and all writs, recognizances and other processes or papers appertaining to criminal business shall be made returnable to said terms. The May term of said court shall be held for the transaction of civil business only, except in cases now provided for by law in reference to said term.

§ 4. That no rights shall be prejudiced by the changes hereby made in the terms of said courts, and that all process, bail bonds, suits, recognizances, indictments, and proceedings of every nature, civil and criminal, shall be deemed to have been continued or made returnable to the terms herein established, and the same shall be proceeded in and have the like force and effect as if so made returnable or continued. Process.

§ 5. That the fourth and fifth sections of an act entitled "An act to provide for the election of certain officers therein named," approved February 6th, 1849, as amended by the seventeenth (17th) section of an act entitled "An act to regulate the practice in the circuit court of Cook county, and the Cook county court of common pleas," approved February 12th, 1853, shall apply to and be in force in said seventh and thirteenth judicial circuits, in relation to all suits now pending or hereafter brought therein. Sections of acts to apply.

§ 6. That it is hereby declared to have been and to be the true intent and construction of the said act regulating the practice in the circuit court and Cook county court of common pleas, that the said court shall have power to assess damages, enter judgment and award execution at the vacation terms of said courts in all cases arising *ex contractu* or *ex delicto*, where the defendant shall have been duly served with process, and shall make default whether the party has been served with a copy of the declaration and rules to plead or not. Power to assess damages.

§ 7. That all suits pending in the said circuit court of Cook county and Cook county court of common pleas, at any trial or vacation term of said courts, by appeal from any inferior court or jurisdiction, may be dismissed by said Suits may be dismissed.

courts at either of said terms, whether the appellee have been served with process or not, unless the appellant shall file an affidavit of merits before the expiration of the rule to plead as in other cases; and no appeal cause shall be continued at any trial term, except for cause shown upon affidavit, where the appellee shall have been served with process on or before the first day of such term, or his appearance shall be duly entered before the cause may be called for trial.

Judgments may
be entered in
vacation.

§ 8. That judgments may be entered in vacation in the said circuit court of Cook county and Cook county court of common pleas, in all suits brought on any instrument of writing for the payment of money only where the defendant shall make default after being duly served with process and a copy of the declaration and rule to plead not less than fifteen days before the entry thereof, where the defendant is a resident of said county, or twenty days where he resides without the county; and said courts shall be considered as always open for the entry of such judgments by default or judgment by confession, and judgment so entered shall have like force and effect as if entered in term time: *Provided*, that before the entry of such judgment by default, the plaintiff shall file with the clerk an affidavit, by himself or agent, that the debt is *bona fide* one and that there are no just discounts or set-offs thereto.

§ 9. That this act shall take effect and be in force from and after its passage.

APPROVED Jan. 14, 1857.

In force Feb. 11, 1857. AN ACT declaring what counties shall compose the eighth judicial circuit, and fix the times of holding the courts and regulate the practice in said circuit.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That hereafter the following counties shall compose the eighth judicial circuit, to wit: the counties of Logan, McLean, De Witt, Champaign and Vermilion.

§ 2. That hereafter the circuit courts shall be holden at the respective county seats of the counties composing the eighth judicial circuit, at the times following, to wit:

SPRING TERM.

Time of holding
courts.

DeWitt, on the first Monday of March.

Logan, on the third Monday of March.

McLean, on the second Monday thereafter.

Champaign, on the second Monday thereafter.

Vermilion, on the second Monday thereafter.

FALL TERM.

McLean, on the first Monday of September.
 Logan, on the third Monday of September.
 DeWitt, on the second Monday thereafter.
 Champaign, on the second Monday thereafter.
 Vermilion, on the first Monday thereafter.

WINTER TERM.

McLean on the second Monday of December.

There shall be no grand jury at said winter term, unless Grand Jury. in the opinion of the judge of said court it shall be necessary, in which case he shall issue his order to the sheriff of said county, requiring him to summon a grand jury to attend said term, and the sheriff shall execute and return to said court said order, and the persons so summoned shall be a grand jury for said term.

§ 3. All writs, subpoenas, recognizances and other Process, process which may have been or may be issued and made returnable to the terms of the circuit courts in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to the said terms of the circuit court in said counties as herein required to be holden; and all notices which may have been given, either by publication or otherwise, with reference to the term as heretofore required to be holden, shall, by force of this act, refer to the term of the court required to be held under this act in said counties; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the time of holding said courts.

§ 4. That in all suits at common law in the circuit courts of said circuit where interlocutory judgments shall be given upon the default of any defendant and the action is founded upon contract, whether such contract be in writing or otherwise and the damages are unliquidated and do not rest in computation, the said court may, in its discretion, without the intervention or empanneling of a jury, hear evidence and assess damages and enter final judgment therefor.

§ 5. The judge of said court may, when he shall deem it for the public interest, call a special term of the circuit court in any county of said circuit, for the transaction of either criminal, chancery or common law business exclusively; and when a special term shall be called for doing chancery business exclusively no jurors shall be summoned, and when called for the transaction of common law business exclusively no grand jury shall be summoned to attend said terms. Special term may be called.

§ 6. This act shall take effect and be in force from and after its passage; and the secretary of state is directed to have the same printed and to transmit without delay five

copies thereof to the clerk of each circuit court in the eighth judicial circuit.

APPROVED Feb. 11, 1857.

In force Feb. 11,
1857.

AN ACT to establish the eighteenth judicial circuit.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the counties of Sangamon, Macoupin, Montgomery and Christian, shall compose the eighteenth judicial circuit of the state of Illinois, and that circuit courts shall be holden at the respective county seats of the said counties at the following times, viz :*

Spring terms.

In the county of Sangamon, on the third Monday of April next.

In the county of Macoupin, on the second Monday of May next.

In the county of Montgomery, on the second Monday thereafter.

In the county of Christian, on the next Monday thereafter.

Process.

§ 2. *And be it further enacted, That all writs, subpoenas, recognizances and other process which have been or may hereafter be issued and made returnable to the terms of the circuit court in the said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to the terms of the circuit court in the said counties as herein required to be holden ; and all notices which may have been given, either by publication or otherwise, with reference to the terms of the circuit court in the said counties, as heretofore required to be holden, shall by force of this act refer to the terms of the circuit court in the said counties as required to be held under this act; and all proceedings now depending in the circuit court of the said counties shall be taken up and proceeded with as if no alteration had been made in the terms of holding the said courts.*

Fall terms.

§ 3. *And be it further enacted, That the next terms of the circuit court in and for the said counties shall be holden at the following times, viz :*

In the county of Sangamon, on the second Monday of August next.

In the county of Montgomery, on the third Monday of September thereafter.

In the county of Macoupin, on the next Monday thereafter.

In the county of Christian, on the second Monday thereafter.

In the county of Sangamon, on the next Monday thereafter.

And in the county of Macoupin, on the second Monday of December next.

And thereafter the circuit courts in the said counties shall be holden at the following times, viz :

In the county of Montgomery, on the third Mondays of March and September.

In the county of Macoupin, on the Mondays following.

In the county of Christian, on the second Mondays following.

In the county of Sangamon, on the Mondays following, and on the second Monday of August.

And in the county of Macoupin, on the second Monday of December in each year.

§ 4. *And be it further enacted*, That on the sixth day of April, A. D. one thousand eight hundred and fifty-seven, an election for a judge and state's attorney for the said eighteenth judicial circuit shall be held, conducted and returns thereof made and certified and canvassed as now provided by the constitution and laws of this state. The said judge, when elected and qualified, shall hold his office until the next regular election of circuit judges and until his successor shall have been elected and qualified. Election.

§ 5. *And be it further enacted*, That the said circuit judge, when elected and qualified, shall have all the powers, authority and jurisdiction now had or exercised, and shall perform all the duties now or hereafter to be required of circuit judges under the constitution and laws of this state, and shall receive the same compensation as other circuit judges under the constitution and laws of this state. Jurisdiction.

§ 6. *And be it further enacted*, That the said state's attorney, when elected and qualified, shall discharge all the duties and receive like fees and compensation as other state's attorneys under the constitution and laws of this state.

§ 7. *And be it further enacted*, That it shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of the counties composing the said judicial circuit; and the said clerks of the said county courts of the said counties, respectively, shall issue notices for the said election of the said judge and the said state's attorney, to the sheriffs of the said counties, respectively, which notices shall be posted up by the said sheriffs in the several precincts of the said counties as provided by

the constitution and laws in respect to general elections of circuit judges and state's attorneys in this state.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 11, 1857.

AN ACT to establish the twentieth judicial circuit in the state of Illinois.
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the counties of Kankakee, Iroquois, Livingston and Holmes, shall compose a judicial circuit, to be called "the twentieth judicial circuit," and that the circuit courts of said circuit shall be held at the county seats of said counties at the times following, to wit:

Times of holding
courts.

In the county of Kankakee, on the first Monday of April, and first Monday in September, and third Monday in December.

In the county of Livingston, on the third Monday of March and third Monday of September.

In the county of Iroquois, on the third Monday of April and on the third Monday of October.

And in the county of Holmes, should the same be created, on the first Monday in May and first Monday in November in each year.

Election to be
held.

§ 2. There shall be an election held in said circuit on the second Monday in March next, for the election of circuit judge and state's attorney for said circuit, which election shall be conducted and returns made thereof and canvassed in the same manner provided by the constitution and laws of this state. Said judge and state's attorney, when elected, commissioned and qualified, shall hold their offices until the next general election of judges and state's attorneys, as provided by the constitution, and until their successors shall be elected and qualified.

§ 3. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to the circuit and county courts of said counties, and the clerks of the county court of said counties shall issue notice of said election to the sheriffs of said counties; notifying the electors of said counties, which notice shall be posted up by the sheriff of said counties in the several towns and precincts of said counties in like manner as provided by the constitution and laws of this state for holding general elections.

§ 4. Said circuit judge and state's attorney, when elected and qualified, shall exercise all the powers, perform all the duties and have all the jurisdiction and authority now had or hereafter to be required or exercised by the circuit judges and state's attorneys in this state, under the constitution and laws thereof, and shall receive the same compensation as other judges and state's attorneys are entitled to receive under the constitution and laws.

§ 5. All writs, subpoenas, recognizances and other Process. process which may have been or may be issued out of and made returnable to the terms of the circuit court, as heretofore required by law in said counties, shall be deemed and taken to be returnable to the said terms of the court as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms heretofore required to be holden, shall by force of this act refer to the terms of the courts as herein required to be holden; and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the terms of holding said court.

§ 6. The judge of said circuit court shall have power, Jurisdiction. upon entering the proper order of record, during any term thereof, to fix any number of days or terms at which he will hear, at his chambers, general and special motions, arguments of demur and arguments upon agreed cases, and for the making all such interlocutory orders as may be necessary to expedite the proceedings in any cause; and the said court shall always be considered open for the hearing of all matters and applications on the chancery side thereof, and the granting of all such orders as may be required or necessary in the practice of said court: *Provided*, that no final order, judgment or decree shall be entered in vacation, except judgment by confession, which may be entered at any time upon filing the proper papers with the clerk of said court, and shall have the same force and effect as if entered in term time: *And provided, further*, that the judge of said court shall examine the records of the general and special terms of said court, as also all orders entered on motion days, which orders shall have the same force and effect, and the judge shall have the same power to enforce the same as if entered in term time.

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 7, 1857.

AN ACT to establish the twenty-third judicial circuit, and to fix the times for holding courts in the ninth judicial circuit

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the counties of Bureau, Putnam and Marshall shall compose the 23d judicial circuit, and that the circuit courts of said counties shall be held at the county seats of said counties, at the times following, to wit: In the county of Bureau, on the first Mondays of April, September and January.

In the county of Putnam, on the fourth Monday of April and fourth Monday of October.

In the county of Marshall, on the first Monday of May, first Monday of October and fourth Monday of January.

§ 2. There shall be an election held in said circuit on the second Monday in March next, for the election of a circuit judge and state's attorney for said circuit, which election shall be conducted and return made and canvassed in the same manner provided by the constitution and laws of this state. Said judge and state's attorney, when so elected, commissioned and qualified shall hold their offices until the next general election of judges and state's attorneys, as provided by the constitution and laws, and until their successors shall be elected and qualified.

§ 3. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to the clerk of the circuit and county courts of said counties, and the clerks of the county courts of said counties shall issue notices of said election, which notice shall be posted up in the several towns or precincts in said counties in like manner as provided by the laws of this state for holding general elections.

§ 4. The said circuit judge and state's attorney, when elected and qualified, shall exercise all the powers and perform all the duties and have all the jurisdiction and authority now had or hereafter to be required or exercised by the circuit judges and state's attorneys in this state, and shall receive the same compensation as other judges and state's attorneys are entitled to receive by the constitution and laws.

§ 5. All writs, subpoenas, recognizances and process which may have been issued out of and made returnable to the terms of the circuit courts, as hereinbefore required by law in the said counties of Bureau, Putnam and Marshall, shall be deemed and taken to be returnable to said terms of the court as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms as hereinbefore required to be holden, shall by force of this act refer to the terms of the court as herein required to be held; and all

proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the terms of holding said courts.

§ 6. The circuit courts in the county of La Salle shall be holden on the first Mondays in March, July and November, and in the county of Kendall, on the first Mondays of April and October in each year; and all writs and other process which has been issued, returnable to any term of said courts, or either of them, as heretofore fixed by law, shall be deemed and taken as returnable to the terms of said court fixed by this act. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

Times of holding
courts in La
Salle and Ken-
dall.

AN ACT to define what counties shall comprise the seventeenth judicial circuit, and to regulate the time of holding courts therein. In force Feb. 12, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the counties of Macon, Piatt, Fayette, Effingham, Shelby, Moultrie and Coles shall compose the seventeenth judicial circuit, and that circuit courts shall be holden in the respective county seats of said counties at the times following, viz:

In the county of Macon, on the first Monday of April.

In the county of Piatt, on the second Mondays of April and September.

In the county of Fayette, on the first Mondays thereafter.

In the county of Effingham, on the first Mondays thereafter.

In the county of Shelby, on the first Mondays thereafter.

In the county of Moultrie, on the first Mondays thereafter.

In the county of Coles, on the first Mondays thereafter; and

In the county of Macon, on the third Mondays of July and November in each year.

§ 2. All writs, subpœnas, recognizances and other process which have been or may be issued and made returnable to the terms of the circuit courts in said counties, as heretofore required to be held, shall be deemed and taken to be returnable to the said terms of the circuit court in said counties as herein required to be holden, shall by force of this act refer to the terms of the court required to be held

Time of holding
courts.

Process.

under this act in said counties; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the time of holding said courts.

§ 3. This act shall be in force from and after its passage.

APPROVED Feb. 12, 1857.

1857. AN ACT defining the second judicial circuit, fixing the time of holding courts therein, and establishing an additional circuit, and for other purposes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the second judicial circuit shall consist of the following counties, namely: Clinton, Marion, Washington, Randolph and Monroe, and the courts shall be held therein as follows:

In the county of Clinton, on the first Monday of March and August.

In the county of Marion, on the second Monday of March and August.

In the county of Washington, on the fourth Monday of March and August.

In the county of Randolph, on the first Monday of April and September.

§ 2. All writs and other process and recognizance which may have been or may be issued and made returnable to the terms of the circuit court in said counties, as heretofore required to be holden, shall be deemed and held to be returnable to said terms as herein established, and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be holden, shall by force of this act, refer to the terms of the court, as required to be held by this act in said counties; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the times of holding said courts.

§ 3. There shall be an additional circuit established, composed of the counties of Bond, St. Clair and Madison, to be known and styled as the twenty-fourth judicial circuit, and the times for holding courts therein shall be as follows:

In the county of Bond, on the second Mondays of April and September.

In the county of St. Clair, on the third Mondays of April and September.

In the county of Madison, on the third Mondays thereafter.

§ 4. On the first Monday of April next, an election for a judge of the said twenty-fourth circuit shall be holden,

which shall be conducted and returns thereof made and certified and canvassed in the manner provided by the constitution and laws of this state. Said judge, when elected, shall hold his office until the next general election for judges, as provided for the constitution and until his successor shall be elected and qualified.

§ 5. The said circuit judge when elected shall exercise all the powers and perform all the duties and have all the jurisdiction and authority now had or hereafter to be required of or exercised by the several circuit judges of this state under the constitution or laws of this state, and shall receive the same compensation as other circuit judges are entitled to receive by the constitution and laws of this state.

§ 6. The state's attorney elected at the last general election for the second judicial circuit, shall perform the duties of said office in the twenty-fourth circuit as established by this act.

§ 7. Until the election to be held in November next, some person learned in the law shall be appointed by the judge of the second judicial circuit to conduct and prosecute all criminal cases, and to attend to all business in which the people may be interested; and at the said election in November next, a state's attorney shall be elected in said second judicial circuit, whose term of office shall expire at the next general election for state's attorneys, and who shall receive the salary and emoluments now provided by law for state's attorney.

§ 8. It shall be the duty of the secretary of state to cause a certified copy of this act to be immediately transmitted to each of the clerks of the circuit and county courts of said counties, and the clerks of the county courts of said counties shall issue notices for the said election to the sheriffs thereof respectively, which notices shall be posted up by them in like manner as provided by the constitution and laws of this state for holding general elections.

§ 9. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 12, 1857.

AN ACT to change the time for holding courts in the first judicial circuit. In force Feb. 14, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That hereafter courts shall be holden in said circuit as follows, to wit:*

Time of holding
courts

In the county of Morgan, on the third Monday of March and second Monday in October.

In the county of Greene, on the second Monday in April and first Monday in September.

In the county of Jersey, on the fourth Monday of April and third Monday in September.

In the county of Calhoun, on the first Monday of May and the fourth Monday in September.

In the county of Scott, on the second Monday in May and first Monday after the fourth Monday in September.

Process

§ 2. All summonses, subpoenas, writs, notices, declarations in ejectment, bonds, recognizances, venues and process of any description made and served for or returnable to the times as now fixed by law, shall be sufficient for the terms in the several counties respectively, occurring after the passage of this act, and be treated by like force and effect as if the same had been issued, given or made returnable to the said several terms as herein provided for. In all cases when a judgment in an action of ejectment has been rendered in any of said counties where a right may exist to have a new trial under the provisions of the statutes now in force within one year thereafter, and the parties thereto shall be unable to make application therefor within such time, by reason of the change of the time of holding courts as herein made, it shall be lawful for any such court to award and grant any such new trial at the terms as herein provided for, first occurring after the expiration of the year aforesaid.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 14, 1857.

In force Feb 12, 1857. AN ACT to regulate the time of holding courts in the fourth judicial circuit.

Times of holding
courts.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That hereafter the circuit courts in and for the fourth judicial circuit in this state shall be holden as follows: At the town of Paris, in the county of Edgar, on the first Mondays of April and September. At the town of Prairie City, in the county of Cumberland, on the second Mondays thereafter. At the town of Newton, in the county of Jasper, on the Mondays thereafter. At the town of Louisville, in the county of Clay, on the Mondays thereafter. At the town of Olney, in the county of Richland, on the Mondays thereafter. At the town of Lawrenceville, in the county of Lawrence, on

the Mondays thereafter. At the town of Robinson, in the county of Crawford, on the Mondays thereafter. And at the town of Marshall, in the county of Clark, on the second Mondays thereafter, in each and every year, and until otherwise provided by law.

§ 2. All writs or other process which may have been or which may be issued and made returnable to the terms of court in said counties as hereafter required to be holden, shall be construed as returnable to the terms to be holden under this act, and all notices which relate to said terms, published in pursuance of law, and all proceedings pending in said courts shall be treated, taken up and disposed of as if no change in the time of holding said courts were now here made. Process

§ 3. All laws or parts of laws which conflict with the provisions of this act are hereby repealed. Laws repealed.

§ 4. This act shall take effect and be in force from and after its passage, and the secretary of state shall forthwith cause certified copies of the same to be transmitted to the clerks of the circuit and county courts of the several counties composed in said fourth judicial circuit. Duty of Secretary.

APPROVED Feb. 12, 1857.

AN ACT to amend "An act to establish a general system of banking," passed in force Feb. 14, February 15th, 1851, and the acts amendatory thereof. 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* Every banker or banking association organized or doing business under the laws of this state shall transact all business in the name of the bank, at the place at which the notes of said bank shall be dated, and at the location specified in the certificate directed to be made by the seventeenth section of the act approved February 15th, 1851, authorizing a general system of banking, and not elsewhere: *Provided,* that no bank shall be located in any place other than in some city, town or village in this state having a population of at least two hundred people.

Banks to be located.

§ 2. All bank notes issued by any banker or banking association or institution of this state shall be redeemed by the banker or banking association issuing the same, in such sum or sums as shall be presented for redemption, and on demand shall redeem such note or notes, sum or sums, as may be presented for redemption, in the legal coin of the United States. Notes not redeemable.

Protest, law rule.

§ 3. In case any banker or banking association, being the maker or makers of any circulating note or notes countersigned and registered, as provided in the "Act to establish a system of banking," passed February 15th, 1851, shall at any time hereafter, on lawful demand, during the usual hours of business, at the place where such notes are payable, fail, neglect or refuse to redeem the same in the legal coin of the United States, then the notes of such bank or banking association, after having been presented for payment, and payment thereof having been refused in such legal coin, may be protested in any and whatever amount so presented, by a notary public or by any two householders, under oath, in the county in which said bank is located. In case a notary public cannot be obtained, or being obtained, shall refuse to act, the notary public or such two householders to designate the numbers, letters and denominations of such protested bills or circulating notes. When the bills so protested shall be presented to the auditor, with the protest accompanying the same, he shall forthwith notify such bank, by mail, to pay the same; and he shall hold the said bills or notes for ten days from the time of receiving the same. If the said bank, issuing said bills or notes, shall neglect to pay the same, with twelve per cent. interest per annum thereon, from the date of such protest, together with all costs and protest fees and expenses, then, after the expiration of the said ten days, as herein provided, the auditor shall proceed as provided in the fourteenth and twenty-sixth sections of the act to which this is an amendment: *Provided*, that in presenting notes or bills for payment under this section, the party presenting the same shall not be required to present or receive redemption of each note or bill separately, but the whole amount presented shall be treated as though it were a single obligation of that amount.

Provision

Stocks deposited.

§ 4. The second section of an act entitled "An act to establish a general system of banking," approved February 15, 1851, is hereby amended so as to provide that all stocks of the United States, and of the several states, on which interest is regularly paid, including the stocks of this state, deposited with the treasurer under the provisions of the last named act, shall be valued at a rate ten per cent. less than the market price of such stocks, to be estimated as is now provided in said section: *Provided*, that such stocks shall in no instance be received at a rate above their par value.

Rate of interest.

§ 5. Any bank, banker or banking association, doing business under the provisions of "An act to establish a general system of banking," approved February 15, 1851, and the various acts in addition thereto and amendatory thereof, shall not be authorized to take or receive a greater rate as

interest or discount on any real or personal security than ten per cent. per annum, but said interest may in all cases be received in advance, and in the computation of time, thirty days shall be a month, and twelve months a year. So much of the twenty-eighth section of "An act to establish a general system of banking," approved February 15, 1851, as is inconsistent herewith is hereby repealed.

Computation of time.

§ 6. The capital stock of every bank or banking association paid in or secured to be paid in, except so much thereof as is invested in real estate, which shall be taxed as real estate as herein provided, together with its surplus profits or reserved funds, and also the real estate of every such company, shall be listed by the president or cashier thereof, and assessed and taxed in the same manner as the other personal and real estate of the county and towns in which such bank or banking association is located.

Taxation.

§ 7. Sections twenty and twenty-one of "An act for the assessment of property," approved February 12, 1853, and sections twenty and twenty-one of "An act for the assessment of property and the collection of taxes in counties adopting the township organization law," approved February 12, 1853, are hereby repealed.

Sections repealed

§ 8. The sixth section of "An act to establish a general system of banking" shall be so construed as to require every bank or association established under said act to have a *bona fide* cash capital of at least fifty thousand dollars, actually paid in in good faith, for the purpose of remaining in such bank or association as capital; and the auditor shall satisfy himself of such fact before he shall issue any circulating notes or bills to any such bank or association; and for this purpose he is authorized to examine any and all officers, stockholders, agents and employees of such bank or association under oath, and to take all such measures as he may deem necessary to determine that fact. The evidence required by this section shall be in writing, and shall be filed in the auditor's office.

Bona fide capital required.

§ 9. No more circulating notes shall be issued, under any circumstances, to any bank or association organized under said act, until the auditor shall be satisfied that such bank or association has such actual capital as is required in the first section of this act.

Limitation

APPROVED Feb. 14, 1857.

12 Feb 1857 16. AN ACT to change the times of holding courts in the twelfth judicial circuit.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That hereafter the circuit courts in the twelfth judicial circuit of this state shall be held at the county seats of the respective counties thereof, at the times following, to wit:

SPRING TERM.

Time of holding
courts.

In the county of White, on the first Mondays in April.
In the county of Wabash, on the first Mondays thereafter.

In the county of Edwards, on the first Mondays thereafter.

In the county of Wayne, on the first Mondays thereafter.

In the county of Jefferson, on the first Mondays thereafter.

In the county of Hamilton, on the second Mondays thereafter.

FALL TERM.

In the county of White, on the first Mondays of September.

In the county of Wabash, on the second Mondays thereafter.

In the county of Edwards, on the first Mondays thereafter.

In the county of Wayne, on the first Mondays thereafter.

In the county of Jefferson, on the second Mondays thereafter;

And, in the county of Hamilton, on the second Monday thereafter.

Proceedings re-
galized.

§ 2. All writs, subpoenas, recognizances, and all other process which may have been or may be issued and made returnable to the terms of the circuit courts in said counties as heretofore required to be held, shall be deemed and taken to be returnable to said terms of the circuit court in said counties, as herein required to be held; and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be held, shall by force of this act refer to the terms of the court required to be held under this act in said counties; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the times of holding said courts.

Duty of secretary.

§ 3. It shall be the duty of the secretary of state, within twenty days after the passage of this act, to cause a certified copy of the same to be transmitted to each of the clerks of the circuit courts in said twelfth judicial circuit.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to regulate the times of holding the terms of the circuit court in La Salle county. In force Feb. 17, 1857.

[SECTION 1.] *Be it enacted by the people of the state of Illinois, represented in [the] General Assembly,* That the terms of the circuit court of La Salle county shall be holden on the first Monday of February, the second Monday of June, and the first Monday of November. All process which has been made returnable to any term of said court, as now fixed by law, shall be deemed and held to be returnable to the term of said court fixed by this act.

Times of holding court.

Process returnable.

This act shall take effect and be in force from and after its passage.

APPROVED Feb. 17, 1857.

AN ACT to change the time of holding court in the fifteenth judicial circuit. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the terms of the said court shall hereafter commence in the county of Adams, on the fourth Monday in the month of March and October, and on the second Monday in the month of June of each year, respectively; and that the summer term of the said court shall hereafter commence in the county of Hancock, on the last Monday in the month of May of each year.

Times of court Adams county.

§ 2. That hereafter the board of supervisors for the said counties of Adams and Hancock shall not be required to select any grand jurors to attend the summer terms of said court in said counties, unless the judge of said court shall certify that a grand jury is necessary.

Jury not to be selected.

§ 3. That all writs, subpoenas, recognizances and other process which have been or may be issued or taken and made returnable to the terms of court in said counties, as heretofore required to be holden, shall be deemed to be returnable to the said terms of court, as required by this act to be holden; and all notices which may have been given, either by publication or otherwise, with reference

Process, how returned.

to the terms as heretofore established, shall by force of this act refer to the terms of court, as required to be holden under the provisions hereof; and all proceedings pending in said courts shall be taken up and disposed of as if no alteration had been made in the terms of holding said court.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 19, 1857.

In force Feb. 14, 1857. AN ACT to change the time of holding courts in Will county, in the eleventh judicial circuit.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the times of holding the circuit court of Will county hereafter, shall be as follows: On the third Monday of March, the third Monday of May, and the first Monday of December in each year.

§ 2. All process, suits, recognizances or other legal proceedings that have been or may be set or returnable in and to any of said courts at the terms of said court, so arranged by law prior to the passage of this act, shall be equally valid as though this act had not been passed, and shall, moreover, be considered as set and returnable to the terms of the courts as fixed and established by this act.

§ 3. This act to take effect from and after its passage.

APPROVED Feb. 14, 1857.

In force Feb. 16, 1857. AN ACT to amend section 23, of chapter 86, of the Revised Statutes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That exceptions to the decisions of the circuit courts overruling motions for new trials shall hereafter be allowed in criminal cases, and in penal and *qui tam* actions, as well as civil cases; and the party excepting to such decisions may assign the same for error.

APPROVED Feb. 16, 1857.

AN ACT to give a uniform organization and jurisdiction to inferior courts of local jurisdiction in the cities in this state. In force Feb. 10, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That every act establishing an inferior court of civil and criminal jurisdiction in any city of this state, and all acts amendatory thereof, shall be so construed as to confer on such court a uniform organization and jurisdiction with the recorder's court of the city of Chicago and the court of common pleas of the city of Cairo, anything in any such act or acts to the contrary notwithstanding; and all jurisdiction conferred upon any such court, inconsistent with such organization and jurisdiction, is hereby repealed, or so far modified as to be consistent with the provisions of this act.

Uniform organization and jurisdiction conferred.

§ 2. This act shall be considered a part of all acts creating or in any manner relating to inferior courts in cities in this state, whether passed at this or any previous session of the general assembly; and no act which may be passed by the legislature at any session hereafter shall be construed to repeal said courts or this act by implication.

Made part of all acts creating inferior courts.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 10, 1857.

AN ACT to regulate the practice in the thirteenth judicial circuit.

In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases in the circuit courts in said circuit of judgments by default, the court may, without the intervention of a jury, assess the damages; and in all cases execution may issue forthwith upon the rendition of judgments: *Provided,* the plaintiff in execution shall first file an affidavit of himself or some credible person, that the benefits of his judgment will be in danger of being lost unless execution issue forthwith.

Judgment by default.

Provide.

§ 2. That judgments by confession may be entered in said courts at any time in vacation, before the clerk, by filing the proper papers with the clerk, and such judgments shall have the same force and effect from the time of entry as if entered in term time.

Judgment by confession.

§ 3. That actions upon penal bonds or other instruments in writing for the payment of money only, in which the clerk can ascertain the amount due by computation, may be commenced and judgments entered by the clerks of said court in vacation, as follows: The plaintiff in such action shall

Actions on penal bonds.

file his declaration, together with a copy of the instrument on which suit is brought, and shall state at the foot of said copy (if his declaration contains the common counts) that the instrument declared upon is his only cause of action.

Special summons
to issue

§ 4. Upon filing said declaration, the clerk shall at the instance of the plaintiff or his attorneys, issue a special summons, under the seal of the court, to the defendants named in said declaration; which summons shall be in substance, after the following form:

Form

State of Illinois, } ss.
county of ———

The people of the state of Illinois, to the sheriff of ——— county, greeting:

You are hereby commanded to summon A. B., if to be found in your county, to answer the declaration of C. D., in an action of ———, damages claimed (or debt and damages as the case may be) \$——; which said declaration was filed in the office of the clerk of the circuit court of ——— county, on the ——— day of ———, A. D. 18—. Now, unless the said defendant shall within twenty days from the date hereof plead to or otherwise answer said declaration according to law, judgment will be entered against him by default.

Witness, E. F., clerk of the ——— county circuit court, and the seal thereof, at ———, in said county, this ——— day of ———, A. D. 18—.

E. F., Clerk.

Which said summons shall be served and returned by the sheriff to whom the same may be directed, as in other cases.

Time of service.

§ 5. Said summons shall be served at least ten days before any default shall be entered; and if the defendant reside out of the county, one day in addition for every thirty miles of distance from the residence of the defendant to the county seat of the county from which said summons issued.

Copy of declaration.

§ 6. In addition to the service of summons as aforesaid, the clerk shall make a copy of the declaration filed by the plaintiff and certify the same, under his hand and the seal of the court, to be a true copy, and shall cause the same to be delivered to the sheriff with the summons, which copy the sheriff shall deliver to the defendant at the time of serving the summons; and said sheriff shall state in his return to the summons that he also delivered to the defendant a certified copy of the declaration on file. The clerk shall be allowed for making each copy ten cents for every one hundred words, and fifty cents for certifying to and sealing the same. And the sheriff shall be allowed fifty cents for delivering each copy to a defendant.

Sheriff's return.

Fees

§ 7. Upon the service of the summons and copy of the declaration as aforesaid, the defendant may, at any time before a default is entered in said suit against him, file his plea, demurer or motion to dismiss, as hereinafter provided; but if such plea, demurer or motion shall not be filed within the twenty days, as specified in the fourth section, a default shall be entered by the clerk against the defendant in such action; and thereupon the clerk shall compute and assess the plaintiff's damages, which shall be the amount due on the instrument upon which suit is brought, and shall enter upon the records of the court judgment against the defendant, in favor of the plaintiff, for the amount so found due; and such judgment shall have the same force and effect from the time of entry as if entered in term time.

Plaintiff may file plea.

Default to be entered.

§ 8. The defendant in any such suit shall not be allowed to file a plea therein, unless he shall file with his plea an affidavit setting forth that he verily believes that he has a good defence to said suit upon the merits to the whole or some portion of the plaintiff's demand, and if to a portion he shall specify the amount: *Provided, however*, that the defendant shall have the right to file without an affidavit of merits, a motion to dismiss, demurer or plea in abatement; and in case such motion, demurer or plea in abatement be filed, the case shall stand for hearing at the next succeeding term of the court; but in all cases where such plea in abatement, demurer or motion shall be filed which the court shall adjudge to be frivolous, the plaintiff shall be entitled to judgment as in case of default and to damages for delay in the discretion of the court, not exceeding ten per cent. upon the amount of the judgment.

Affidavit to be filed.

Motion to dismiss

§ 9. All judgments entered in pursuance of this chapter shall become liens upon the lands, tenements and real estate of the defendant, from the time such judgment shall be entered: *Provided*, that where two or more judgments against the same defendant shall be entered on the same day in vacation, there shall be no preference nor priority of the lien of one judgment over that of the other.

Judgments to be lien.

§ 10. The clerks and sheriffs shall be entitled to the same fees for services rendered in pursuance of the provisions of this act as is provided for like services in other cases; and executions may issue forthwith upon all judgments entered in vacation upon the plaintiff's filing an affidavit as provided in the first section of this act, but unless such affidavit be filed, execution shall not issue until the expiration of ten days from the time of entering such judgment, except in cases of judgments by confession, in which execution may issue forthwith without oath.

Fees.

§ 11. Nothing herein contained shall be so construed as to prevent the institution and prosecution of suits for any of the causes of action in this act mentioned in the manner now provided by law.

APPROVED Feb. 16, 1857.

In force Feb. 14, 1857. AN ACT in relation to money paid by E. B. Hulbert, deceased, to the resident trustee of the Illinois and Michigan canal, under the act to provide for the completion of the Illinois and Michigan canal, and for the payment of the canal debt.

Preamble.

Whereas E. B. Hulbert, late of Cook county, deceased, became a subscriber to the loan to complete the Illinois and Michigan canal, under the act of February 21, 1843, and paid the first installment thereon, to-wit: the sum of eight hundred and seventy-five dollars, being the amount of the first installment of his subscription to such loan, and was unable to make any further payment on such loan, and is now deceased; and whereas the canal fund and state have had the full advantage of such payment, and no loss has accrued to the state by reason of his inability to make such further payments, and it is just and equitable that relief should be granted from the forfeiture declared in said act; therefore,

Governor to issue certificate.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That said payment or loan so made by said Hulbert, under the proceedings of said act, be relieved from all forfeiture by reason of a failure to make such subsequent payments; and that the governor be authorized, upon being satisfied of the truth of the facts stated in this act, to issue his certificate or bond, under the seal of the state, drawing interest from the date of such payment so made by said Hulbert, to the widow of said Hulbert, upon a surrender of the receipt given by Jacob Fry, resident trustee, to said Hulbert, at the time of the payment, so as aforesaid made by said Hulbert.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT for the encouragement and security of loans of money.

In force February
16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be lawful for any person or corporation borrowing money in this state, to make notes, bonds, bills, drafts, acceptances, mortgages, or other securities, for the payment of principal or interest at the rates authorized by the laws of this state, payable at any place where the parties may agree; although the legal rate of interest in such place may be less than in this state; and such notes, bonds, bills, drafts, acceptances, mortgages, or other securities, shall not be regarded or held to be usurious; nor shall any securities taken for the same, or upon such loans, be invalidated in consequence of the rate of interest of the state, kingdom or country where the paper is made payable, being less than in this state, nor of any usury or penal law therein.

Legal interest
secured.

§ 2. No plea of usury nor defence founded upon an allegation of usury shall be sustained in any court in this state, nor shall any security be held invalid on an allegation of usury where the rate of interest reserved, discounted or taken does not exceed that allowed by the laws of this state, in consequence of such security being payable in a state, kingdom or country where such rate of interest is not allowed.

Usury not plead-
able.

§ 3. It shall be lawful for all parties loaning money in this state, to take, reserve or discount interest upon any note, bond, bill, draft, acceptance, or other commercial paper, mortgage, or other security, at any rate authorized by the laws of this state, whether such paper or securities for principal or interest be payable in this state or in any other state, kingdom or country, without regard to the laws of any other state, kingdom or country; and all such notes, bonds, bills, drafts, acceptances, or other commercial paper, mortgages, or other security, shall be held valid in this state, whether the parties to the same reside in this state or elsewhere.

Interest may be
discounted.

§ 4. All laws or parts of laws inconsistent with this act, are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

In force Jan. 22, 1857. AN ACT making partial appropriations for defraying the expenses of this general assembly.

Auditor to draw warrants.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That [the auditor] of public accounts be and he is hereby authorized and required to draw warrants on the treasury for the sum of fifty dollars to each member of the senate and house of representatives, and warrants for a like sum to the speaker of each house, the secretary and assistant secretaries of the senate, the clerk and assistant clerks of the house of representatives, the enrolling and engrossing clerks, and the assistant enrolling and engrossing clerks of each house, and the door-keepers and assistant door-keepers of each house.

To be paid by treasurer.

§ 2. That any money now in the treasury or which may be received into the treasury, and not otherwise appropriated by law, shall be applied to the payment of the aforesaid warrants.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Jan. 22, 1857.

In force Feb. 14, 1857. AN ACT to appoint commissioners to build a court and library room for the use of the supreme court in the third grand division of this state, and to make an appropriation therefor.

Commissioners.

SECTION. 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William Reddick, Joseph O. Glover, George E. Walker, William H. L. Wallace and Henry F. Eames be and they are hereby appointed commissioners, whose duty it shall be to procure a suitable lot in the city of Ottawa, in the county of La Salle, upon which they shall superintend the construction of a building for the use of the supreme court in the third grand division of this state, of such size and structure as the judge of the supreme court, residing in said grand division, shall direct: *Provided,* that the same shall not exceed in cash the sum of sixteen thousand dollars, which sum is hereby appropriated, out of any money in the treasury not otherwise appropriated, which shall be subject to the order of said board of commissioners; upon the presentation of which order the auditor of public accounts is directed to issue a warrant upon the treasury, from time to time, in such sums as may be necessary to be used in the construction of said buildings in favor of said board; said sum to be applied and invested in the construction of said building.

§ 2. Before said commissioners shall enter upon the discharge of the duties created by this act, they shall take an oath faithfully to perform said duties, and shall give bond, payable to the governor of the state of Illinois, in the sum of thirty-five thousand dollars, with security to be approved by the judge of the supreme court residing in said division, which bond shall be filed in the office of the secretary of state, and shall be conditioned for the faithful performance of the duties required by this act.

Bond
and
ken.
required
oath
ta-

§ 3. A majority of said board of commissioners shall be competent to perform any of the duties required by this act.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED Feb. 14, 1857.

AN ACT to protect the public state buildings in the city of Springfield, and the peace of the general assembly while in session.

In force Jan. 31,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That any person or persons who shall hereafter be guilty of any noisy or disorderly conduct in the state house or any of the public grounds around the same, at any time, or who shall by any noisy, disorderly or unseemly conduct, either in or about the state house, while either of the two houses of the general assembly are in session, disturb the deliberations of either house; or who at any time shall defile, deface or in any way mutilate any of the public grounds, inclosures or any part of the state house; or who shall make filthy or unseemly any vault or privy about the state house or other part of the same, shall, on conviction thereof, before any police magistrate or justice of the peace of the city of Springfield, be fined in any sum not less than five dollars, nor more than one hundred dollars, in the discretion of such magistrate or justice, with costs, and in default of payment shall stand committed to the jail of Sangamon county until the same be paid, or they be otherwise discharged in due course of law.

Offenders to be
punished
on
conviction.

§ 2. The sheriff of Sangamon county or his deputies, any constable of said county or other police officer, or the sergeant-at-arms of the senate, or the door-keeper of the house of representatives, or either of their assistants are hereby authorized and empowered, on view, without warrant, to arrest any person or persons guilty of any offence created and defined in the preceding section, and take them

Officers to make
arrests.

before the proper magistrate for trial; and any officer making such arrest and the magistrate trying the same, shall be allowed the same fees as now are by law allowed justices and police officers in similar cases.

Further powers.

§ 3. The speakers of either house of the general assembly, or any officer named in the preceding section, are hereby authorized and required, upon view of any offence named in this act, against the quiet and peace of the general assembly or either house thereof while in session, to require such offender to leave the state house and the grounds around the same; and in case of refusal to immediately obey the same, they are further empowered and required to arrest such offender, and take him or them before any officer having jurisdiction of the offences created by this act, and upon conviction shall be fined as provided in the first section of this act.

Officers may be appointed.

§ 4. The speaker of either branch of the general assembly shall have power to designate and appoint one or more of the police constables of the city of Springfield to execute the provisions of this act; and the person or persons so appointed shall have full power to perform all the duties required of any executive officer herein authorized to make arrests; and such officers shall be paid not less than three dollars per day, while engaged in the performance of the duties during the session of the general assembly.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED Jan. 26, 1857.

Jan. 16, 1857. AN ACT to extend the jurisdiction of the county court of Tazewell county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of Tazewell county be and the same is hereby invested with concurrent jurisdiction with circuit courts of this state of all matters, suits and proceedings in civil cases at common law, or arising under the statutes of this state, except in cases of libel, slander and the action of ejectment.

Jan. 16, 1857. ex-
posed.

Private Session

§ 2. The process, practice and proceedings in said court shall be the same as that of the circuit courts of this state in similar cases. The sheriff, clerk of said court, witnesses and jurors, while in attendance on said court, shall receive the same fees as those by law allowed in the circuit courts of this state. The judgments

and orders of said county courts shall have the same lien, force and effect in all respects as those of the circuit courts, and shall be collected and enforced in all respects as those of the circuit courts in similar cases.

§ 3. All appeals and writs of error from the final judgments of said county courts shall be prosecuted and taken directly to the supreme court of this state in the same manner and with like limitations as the same now are from the circuit courts.

All appeals to be taken to supreme court

§ 4. Said court shall have jurisdiction of appeals from judgments of justices of the peace in said county, but when more than fifteen days shall intervene between the time of taking the appeal and the first succeeding term of either the circuit or county courts of said county, then the appellant shall prosecute his appeal to the first term of court, whether of the circuit or county court, thereafter to be holden.

Jurisdiction of appeals from justices of peace.

§ 5. The county judge of said Tazewell county shall preside at the terms of said court herein established, and shall receive the same sum now by law allowed judges for holding the county court, and a docket fee of two dollars and a half for each case entered upon the docket of said court, to be taxed and collected as costs in the case; and he shall have power to establish all needful rules for the summoning jurors in said court, and to issue venires therefor, under the seal of said court as other process.

County judge to preside.

Fees.

§ 6. Changes of venue shall be allowed in all cases pending in said court, as follows: to the circuit court of said Tazewell county, where the party applying for such change shall swear that the judge of said county court is so prejudiced against him that he believes he cannot have a fair trial before him, and in the manner now provided by law, to some other county or circuit, when the application shall be founded on any other cause by law allowed for changes of venue in such cases.

Change of venue allowed.

§ 7. There shall be two terms of said county court holden at the usual place of holding the circuit courts of said Tazewell county in each year; one on the third Monday of July, and the other on the third Monday of January, and shall continue until the business therein pending shall be disposed of.

Terms of court.

§ 8. This act shall be taken as a public act, and be in force from and after its passage.

APPROVED Feb. 16, 1857.

In force Feb. 12,
1857.

AN ACT to amend the interest laws of this state.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That where any contract or loan shall be made in this state or between citizens of this state and any other state or country, bearing interest at any rate which was or shall be lawful according to any law of the state of Illinois, it shall and may be lawful to make the amount of principal and interest of such contract or loan payable in any other state or territory of the United States, or in the city of London, in England; and in all such cases such contract or loan shall be deemed and considered as governed by the laws of the state of Illinois, and shall not be affected by the laws of the state or country where the same shall be made payable. And no contracts or loans which has been heretofore made or entered into, bearing an interest at a rate which was legal according to the laws of this state, at the time when the same was made or entered into, shall be invalidated or in anywise impaired or affected by reason of the same having been made payable in any other state or country.

APPROVED Feb. 12, 1857.

In force February 12, 1857. AN ACT to amend section 11, of the Revised Statutes, entitled "Judgments and Executions."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in addition to the notices now required by said section, of the sale of real estate, it shall be the duty of officers who may make sales of land under said section, to cause a similar notice to that therein required to be published for three successive weeks, once in each week, in a newspaper, if there be one printed in the proper county, of such sale: *Provided*, that no more than usual rates shall in any case be charged: *And provided further*, that no omission to give such notice, without good cause, shall affect the regularity or validity of such sale, unless it shall be made to appear that the purchaser had notice of such irregularity at or before said sale.

§ 2. Where there is no newspaper printed in such county, or where no newspaper will publish the notice at the price fixed by this act, then the notice of such sale heretofore required shall be sufficient.

APPROVED Feb. 12, 1857.

Laws of Illinois
valid in other
states.

Notice of sale to
be published.

Provided.

Further provided.

When notice suf-
ficient

AN ACT ceding to the United States of America jurisdiction over certain lands and their appurtenances, in the city of Galena, and for other purposes therein mentioned. In force Feb. 9, 1857.

Whereas the United States has recently appropriated money Preamble.
for the purpose of a site, in or at the city of Galena, for the erection thereon of a certain building, to be occupied as a marine hospital, and also have appropriated money for the purchase of a suitable site, in said city of Galena, for the erection thereon of a certain building, to be occupied by the United States for the accommodation of the custom house and post office; and whereas it is deemed highly necessary to the interests of said city that said buildings should be erected; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That jurisdiction of the lands and their appurtenances that have been or may be purchased at or in said city of Galena, (for the purposes before recited,) be and are hereby ceded to the United States of America: *Provided, however,* that all civil and criminal process, issued under the authority of said state or any officer thereof, may be executed on said lands and in the buildings that may be erected thereon, in the same way and manner as if jurisdiction had not been ceded as aforesaid. Jurisdiction ceded.

§ 2. The lands above described, with their appurtenances and buildings and other property that may be thereon, shall forever hereafter be exempted from all state, county and municipal taxation and assessment, so long as the same shall remain the property of the United States of America.

APPROVED Jan. 9, 1857.

AN ACT in relation to conveyances.

In force Feb. 14, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That where deeds conveying lands in this state have heretofore or may hereafter be executed by executors duly qualified in pursuance of due power vested in them by will, executed and proved out of this state, the same shall be evidence of title in the vendee or grantee to the same extent as was vested in the testator at the time of his death, whether such will has been proved in this state or not.

Deeds may be recorded.

§ 2. That all original wills, or copies thereof, duly certified according to law, or exemplifications from the record in pursuance of the law of congress in relation to records

Wills or copies may be recorded.

in foreign states, may be recorded in the same office where deeds and other instruments concerning real estate may be required to be recorded, and the same shall be notice from the date of filing the same for record as in other cases.

Onfiled
may be recorded

§ 3. That where original deeds having tracts of land therein conveyed lying in different counties have been or may hereafter be recorded in any of such counties, it shall be lawful to record a certified copy of such deeds in counties where the original has not been recorded; and the recording of such certified copy heretofore or hereafter shall be notice in the same manner that the filing and recording of the original would be, and copies from such records shall be *prima facie* evidence.

APPROVED Feb. 14, 1857.

In force Feb. 12, AN ACT ceding to the United States jurisdiction over certain lands and for other purposes therein named.

Preamble.

WHEREAS the United States have recently appropriated money for the purchase of a site in or at the city of Springfield, Illinois, for the erection thereon of a building for the accommodation of the United States courts, post office, &c.; therefore,

Jurisdiction co-
ded.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That jurisdiction of the lands and their appurtenances that have been or may be selected or purchased and conveyed at or in the city of Springfield, Illinois, to wit: a lot on the corner of Monroe and Sixth street, being part of lots number two and three, in block one, for the purposes before recited, be and are hereby ceded to the United States of America: *Provided, however,* that all civil and criminal process issued under the authority of said state or any officer thereof, may be executed on said land and in the buildings that may be erected thereon in the same manner as if jurisdiction had not been ceded as aforesaid.

Provided

Exempted from
taxation.

§ 2. The lands above described, with their appurtenances, buildings and other property that may be thereon, shall forever hereafter be exempted from all state, county and municipal taxation and assessment, so long as the same shall remain the property of the United States.

§ 3. This act shall be deemed and taken as a public act and shall take effect from and after its passage.

APPROVED Jan. 12, 1857.

AN ACT to change the time of holding the terms of the supreme court. In force Feb. 10, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That hereafter the terms of the supreme court for the first grand division shall commence and be held on the first Tuesday after the second Monday of November in each year, for the second grand division on the first Tuesday after the first Monday of January in each year, and for the third grand division on the first Tuesday after the third Monday of April in each year, instead of the times now fixed by law for holding the same.

Times of holding court.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 10, 1857.

AN ACT to amend an act entitled "An act to dispose of the swamp and overflowed lands, and to pay the expenses of selling the same," passed 22d of June, A. D. 1852. In force Feb. 10, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the 13th section of said act as provides for the drainage of swamp land in the county of Greene, be and the same is hereby repealed, and that the funds arising from the sale of swamp and overflowed lands sold or to be sold in said county, be paid by the drainage commissioner of said county, under an order of the county court of said county, to such person and for such uses and purposes as the said court may direct.

Part of act repealed.

Disposal of funds

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 10, 1857.

AN ACT to amend "An act concerning the descent of real property in this state," approved February 12, 1853. In force Feb. 11, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases where any person shall have died, leaving any real property, before the passage of the act to which this is an amendment, which, by the provisions of the act to which this is an amendment would have descended to any illegitimate child or children, such child or children shall be

Illegitimate children legal inheritors.

deemed and adjudged to be the owner of such real property the same as if such act had been in force at the time of such death, unless such property shall have been proceeded against and the title thereto vested in the state or other persons under the law of this state concerning escheats.

also registered.

§ 2. In all such cases hereinbefore specified where any such illegitimate child or children shall have sold and conveyed such real property by deed duly executed, or where the same would have descended by the provisions of the act to which this is an amendment, and shall have been conveyed by deed by the person to whom the same would have descended, then such conveyances shall vest the same title thereto in the grantee as by this act is vested in such illegitimate child from the date of such deed, and in all actions and courts, such grantee shall be deemed to be the owner of such real property from the time of the date of the conveyance.

§ 3. This act shall be in force from and after its passage.

APPROVED Feb. 11, 1857.

in force Feb. 16, 1857. AN ACT in relation to a United States post office and court house at Springfield, in this state.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That there* be and hereby is ceded and granted to the United States of America, jurisdiction upon and over such parts of lots numbered five and six, in block numbered two, as designated on the old town plat of the town (now city) of Springfield, in the state of Illinois, as may be selected by the government of the United States for the purpose of erecting a building or buildings for a post office and United States court house or room, or either of them.

Jurisdiction ceded.

Exempted from taxation.

§ 2. Such lot or part or parts of lot or lots, when so selected, shall be exempt from taxation under any law or proceeding of or in this state while the same remains the property of the United States.

APPROVED Feb. 16, 1857.

AN ACT in relation to a certain book entitled "A compilation of the statutes of the state of Illinois of a general nature, in force January 1st, 1856, collected with reference to decisions of the supreme court of said state, and to prior laws relating to the same subject matter, by N. H. Purple, a member of the Illinois bar." In force Jan. 28, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That upon delivering to him of one thousand copies of the work in the title of this act mentioned, the secretary of state shall give to N. H. Purple, the compiler, and to Keen & Lee, the publishers of the same, a certificate that such number of copies of said work has been delivered. Secretary to give certificate.

§ 2. That upon the presentation of said certificate to the auditor of public accounts, he shall draw his warrant on the treasurer for such sum as the said one thousand copies of said work shall amount to at the price for which the same is sold to individuals, provided the sum shall not exceed four dollars per volume. Auditor to draw warrant.

§ 3. The secretary of state shall distribute the said books in the manner following, to wit: one copy to each of the judges of the supreme and circuit courts of this state, one copy to each of the state's attorneys, one copy to each of the clerks of each court of record in this state, one copy to each sheriff of each county, and one copy to each board of supervisors of each county, one copy to each county judge, and one copy to each executive officer of this state who is required to keep his office at the seat of government, and five copies to each clerk of the three divisions of the supreme court of this state, for the use of said court, and the residue of the said one thousand copies shall be deposited in the office of the secretary for the use of the state. Secretary to distribute books.

§ 4. The several acts and parts of acts compiled and copied in said book shall be deemed and taken in all courts of justice in this state *prima facie* evidence of what the law was at the several times when by the dates therein contained they purport to have been passed and of what the law now is, unless it shall be made to appear that some error has been made in the compilation of the said acts or some one of them, and in case an error or errors as aforesaid shall be made to appear in some one or more of the said acts as aforesaid, the same shall in no way affect as evidence the residue of the said work. Acts declared *prima facie* evidence.

APPROVED Jan. 28, 1857.

In force Feb. 10, 1857. AN ACT to amend the 60th chapter of the Revised Statutes, entitled "Landlord and Tenant."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases of the demise of lands or tenements, whether the rent reserved be payable in money, in specific articles of property, or in any part of the products of the demised premises, that the landlord shall have the right to distrain the personal goods of the tenant for the period of six months after the expiration of the term for which the premises were demised; such distress to be made in the manner now provided by law, and nothing herein contained shall be held or construed to impair or lessen any of the rights of distress now given by the chapter to which this is an amendment.

Land to exist for six months.

APPROVED Feb. 10, 1857.

In force Feb. 28, 1857. AN ACT authorizing the purchase of law books for the libraries of the supreme court.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there be appropriated one thousand dollars annually for each of the grand divisions of the supreme court, to be applied in the purchase of law books, &c., for the libraries of said court. The money shall be drawn and expended under the direction of the justices of said court.

Appropriation for books

Money, how drawn

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 28, 1857.

In force Feb. 12, 1857. AN ACT to amend an act entitled "An act to dispose of the swamp and overflowed lands, and to pay the expenses of selecting and surveying the same," approved June 22d, 1852

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of said act as provides for the drainage of the swamp and overflowed lands in the county of Massac, be and the same is hereby repealed; and that the funds arising from the sale of said swamp and overflowed lands sold or to be sold in said county, be paid by the drainage commissioner of

Part of act repealed.

Funds how disposed of.

said county, under an order of the county court of said county, to such person and for such uses and purposes as the said court may direct.

§ 2. That this act take effect and be in force from and after passage.

APPROVED Feb. 12, 1857.

AN ACT to authorize changes of venue from the county courts of La Salle, Livingston and Grundy counties. In force Jan. 24, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That a change of venue shall hereafter be allowed in any suit depending in either of the county courts of La Salle, Livingston or Grundy counties; the manner of obtaining such change of venue shall be the same as is now provided by law for obtaining changes of venue in the circuit courts of this state, and changes of venue shall be allowed in said county courts for the same causes for which changes of venue are allowed by law in said circuit courts.

Change of venue allowed.

§ 2. When exception shall be taken to the judge of said county court in the petition for change of venue, the venue in said cause shall be changed to the circuit court of the same county, and when exception shall be taken to the inhabitants of said county the cause shall be changed to the next adjoining county where the causes complained of do not exist.

Venue to be taken to circuit court of adjoining county.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Jan. 28, 1857.

AN ACT to legalize ten per cent. interest when it is agreed upon between parties. In force Jan. 24, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That from and after the passage of this act, the rate of interest upon all contracts and agreements, written or verbal, express or implied, for the payment of money, shall be six per cent. per annum upon every one hundred dollars, unless otherwise expressly stipulated by the parties, or unless otherwise provided by law.

Rate of interest.

Ten per cent. legal on contract.

§ 2. That in all contracts hereafter to be made, whether written or verbal, it shall be lawful for the parties to stipulate or agree that ten per cent. per annum, or any less sum, of interest, shall be taken and paid upon every one hundred dollars of money loaned or in any manner due and owing from any person or corporation to any other person or corporation in this state.

Penalty for violation

§ 3. If any person or corporation in this state shall contract to receive a greater rate of interest than ten per cent. upon any contract, verbal or written, such person or corporation shall forfeit the whole of said interest so contracted to be received, and shall be entitled only to recover the principal sum due to such person or corporation.

Laws repealed

§ 4. All laws in conflict with this law, and all laws providing for penalties for taking or contracting for more than the legal rate of interest are hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED Jan. 31, 1857.

In force Feb. 14, 1857. AN ACT to amend "An act to provide for township organization," approved February 17, 1851.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That no new town shall hereafter be made, or the boundaries of towns changed by the board of supervisors of their respective counties, without at least sixty days' notice has been given before the presentation of petition, by posting up not less than five notices in the most public places of the towns so interested.*

Notice to be given.

§ 2. This act to be in force from and after its passage.
APPROVED Feb. 14, 1857.

In force Jan. 23, 1857.

AN ACT in relation to the transcribed records of Brown county.

Preamble

Whereas James Brockman, late clerk of the circuit court of the county of Brown, was appointed by the county court of said county as a commissioner to transcribe all deeds and title papers for lands lying in said county of Brown, which were recorded in other counties, where by law they were authorized or permitted to be recorded; and whereas said Brockman died without having com-

pleted said transcribing; and whereas some of the deeds transcribed by persons employed by said Brockman to assist him with the work were so imperfectly and erroneously copied as to be scarcely legible or intelligible; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the clerk of the circuit court of said county of Brown be and he is hereby authorized and empowered to proceed to complete the transcribing of said records, and to compare and certify to them the same as though he had been originally appointed a commissioner for that purpose.

Circuit clerk to complete work.

§ 2. It shall be the duty of said clerk to proceed in due time to all recording offices in this state, where deeds or title papers for lands lying in said county of Brown have been by law required or permitted to be recorded, or where such records may be deposited or kept, and he shall carefully compare all of said deeds or title papers transcribed by said Brockman, or by his assistants, which are legibly written, with the original records of said deeds and title papers, and shall correct all errors that may have been made in transcribing the same.

Duty of clerk.

§ 3. He shall also copy into a book, to be prepared for that purpose, all deeds and title papers for lands in said county of Brown which were omitted to be transcribed by said Brockman or his assistants, and all deeds and title papers that were imperfectly copied by them; and when he shall have completed the copying thereof, he shall carefully compare them with the original records of such deeds and title papers, and shall correct all errors therein.

To copy and perfect records.

§ 4. Said clerk shall note at the end of each deed or other instrument copied or compared by him, the time when and the place where the same was recorded, and the volume and page of the original records from which the same is copied.

Time and place to be noted.

§ 5. It shall be the duty of all recorders and other persons having the charge or control of any of the books in which deeds and other title papers to lands lying in said county of Brown have been recorded, to permit said clerk to have access to said records for the purpose of transcribing and comparing them as provided for by the provisions of this act.

Free access to be allowed.

§ 6. The clerk of said circuit court, upon the completion of the transcribing and comparing of said deeds and title papers, shall affix at the end of each volume of said transcribed records, a certificate, under his official seal, certifying that he has faithfully and carefully compared all deeds and other evidences of titles copied therein with the original records of the same, and that they are correctly copied from the said original records.

Certificate to be affixed.

To be evidence.

§ 7. Said transcribed records, when fully completed and certified to by said clerk, shall have the same force and effect in law that the original records have in the counties from whence they are transcribed, and copies thereof, when duly certified, shall be evidence of the facts therein contained in all respects whatever, as if certified from the original records.

Compensation.

§ 8. Said clerk shall be allowed a reasonable compensation for services performed by him under the provisions of this act, to be determined by the board of supervisors of said county of Brown, and to be paid out of the county treasury.

§ 9. This act shall be deemed and held to be a public act, and shall take effect from and after its passage.

APPROVED Jan. 28, 1857.

In force Feb. 4, 1857. AN ACT to locate a state road from Carlinville, in Macoupin county, via Fayette and Greenfield, to Carrollton, in Greene county.

Commissioners to locate road.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Robertson, M. Vanmeter and Thomas Davis be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the town of Carlinville, in Macoupin county, thence to run west to William Watson's, in said county, thence north one half mile to a section line, thence west on said section line to Bear creek timber, thence west to where said line crosses the old original road, thence west with said old road to Aaron Comer's, thence westwardly to or near P. L. Redde's, thence north-west one-fourth of a mile, thence due west to Culver's mill shoals on Hodges creek, and thence west on the most eligible route, *via* Fayette and Greenfield, to Carrollton, in Greene county.

To make and file plat.

§ 2. Said commissioners or a majority of them shall meet at Carlinville, in Macoupin county, on or before the first day of June next, or as soon thereafter as may be practicable, and take an oath before some person authorized to administer oaths, faithfully to perform the duties required of them by this act; shall proceed to lay out said road as provided in the preceding section, and shall designate the route of said road by placing stakes in the ground or plowing furrows in the prairie and blazes on the trees in the timber.

To make and file plat.

§ 3. Said commissioners shall, as soon as the said road is located, make and file a report and plat of said road,

showing the course and distances from point to point, which plat and report when so made shall be certified by said commissioners and a copy thereof filed in the office of the clerk of the county court of the several counties through which the said road may pass, and shall make out and present to said several county courts, certified copies of the time and number of hands necessarily employed in each county; and thereupon it shall be the duty of said courts to make a compensation for the sums severally due, allowing to each commissioner the sum of one dollar and fifty cents, to each hand one dollar, and to the surveyor two dollars per day for every day necessarily employed in locating said road through the respective counties.

To be evidence.

Compensation.

§ 4. Said road, when so located, shall be and the same is hereby declared a state road, and shall be opened four rods wide, and be kept in repair as other state roads.

Declared to be state road

§ 5. This act to take effect from and after its passage.
APPROVED Feb. 4, 1857.

AN ACT to extend the jurisdiction of justices of the peace and police magistrates in certain cases.

In force February 6, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the jurisdiction of justices of the peace and police magistrates of this state be extended to and so far as to include all actions against railroad companies or against any person or persons controlling, operating or using any and all railroads in this state, for the killing or injuring of stock, cattle, sheep or hogs or any of them, when the amount in controversy does not exceed one hundred dollars.

Jurisdiction extended against railroads.

§ 2. That service may be had upon said companies or upon the person or persons controlling, operating or using the said railroads, by leaving a copy of the summons or writ issued by a justice of [the] peace or police magistrate, in the ordinary form, with any person who may be at the time acting as station agent at the nearest station to said justice of the peace or police magistrate, or in the time and manner provided in an act entitled "An act to amend chapter eighty-three of the Revised Statutes, entitled 'Practice,'" approved February 8th, 1853.

Service how made.

§ 3. This act to be in force from and after its passage.
APPROVED Feb. 5, 1857.

In force Jan. 13. 1857. AN ACT to locate a state road from Pittsfield, in the county of Pike, to Quincy, in the county of Adams.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Ward and Jo n S. Roberts, of the county of Pike, and Samuel Hutton, of the county of Adams, be and they are hereby appointed commissioners to view, mark out, locate, establish and open a state road, commencing at Pittsfield, in the county of Pike, and running thence on the nearest and most practicable route to Barry, in said county, thence to Shields' Mill. in said county, and from thence to the city of Quincy, in the county of Adams.

§ 2. Said commissioners, or a majority of them, shall meet at Pittsfield, at such time as may meet their convenience, at any time before the first day of January, A. D. 1858, for the performance of the duty herein assigned them, and shall be and are hereby empowered to employ a surveyor and such chainmen and axemen as may be necessary for the location of said road, who shall perform the duty required of them by said commissioners, and shall receive such compensation or per diem allowance as said commissioners shall certify they are justly entitled to.

§ 3. Said surveyor shall make out a correct plat or survey of said road, a true copy of which, duly certified by him, shall be filed by said commissioners, together with a report of their action in the premises, with the clerks of the county courts in each of the counties of Adams and Pike, who shall enter the same of record in their respective offices, after which, said road, or as soon thereafter as said commissioners shall open the same, shall be worked and kept in repair as other state roads.

§ 4. Said commissioners are hereby vested with full power and authority to do all acts and things necessary to open said road in conformity to this act, and when opened the same shall not be altered or changed by the board of supervisors or road commissioners of either the county of Adams or Pike.

§ 5. Should any damages be claimed by any person or persons in consequence of said road passing over his, her or their land or premises, the same shall be assessed and paid in the manner provided by law: *Provided*, that after the assessment of said damages, the opening of said road shall not be hindered or delayed.

§ 6. The damages arising out of or by reason of said road passing over lands situated in the county of Pike shall be paid out of the county treasury of said county upon the order of the board of supervisors thereof, and the damages arising out of or by reason of said road passing over lands situated in the county of Adams shall be paid out of the

county treasury thereof upon the order of the board of supervisors of said county.

§ 7. Said commissioners shall receive as a compensation for their services three dollars each per day, which shall be equally paid out of the county treasuries of the counties of Adams and Pike, together with the amount which they may certify to be due to such person or persons as they may employ in or about the location, surveying or opening of said road, it being the true intent and meaning of this act that each of said counties shall pay one-half of the expenses arising from or out of the location, surveying, opening and establishment of said road.

Compensation.

Counties to pay
equally.

§ 8. This act to take effect and be in force from and after its passage.

APPROVED January 13, 1857.

AN ACT to amend chapter XXI of the Revised Statutes of 1845.

In force Feb. 12,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* No omission heretofore made or hereafter to be made by any clerk to issue, or sheriff to serve, any subpœna in chancery, summons or the process, against or upon any defendants to any proceeding at law or in chancery, who, by affidavit, shall be shown to be non-residents of the state as required by the 8th section of the act to which this is an amendment, shall constitute any objection to the entry of any verdict, or the rendition of any decree or judgment, nor shall any decree or judgment be reversed by reason or on account of any such omission, unless the parties objecting to the entry of such verdict or the rendition of such judgment or decree, or the reversal thereof, shall show, by evidence satisfactory to the court, that the said defendants so alleged to be non-residents, were, at the time when service should have been made, within the jurisdiction of the court, so that process could have been served on them: *Provided, however,* publication of notice shall have been made as required by said section 8, of chapter XXI, of Revised Statutes of 1845.

Omission to serve
process not to
bar decree.

Notice to be pub-
lished.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 12, 1857.

In force Feb. 14, 1857. AN ACT in relation to the rights of married women in certain cases.

Property of may
be sold and con-
veyed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases where property, either real or personal, has been or shall be conveyed to a trustee or trustees for the use of any married woman, not coupled with any interest in the trustee or trustees, or any person other than such married woman, and such trustee or trustees shall die holding such trust, in all cases where it would be the duty of a court of chancery, upon proper application being made, to appoint another trustee to carry into effect the trust, it shall be lawful for said court of chancery, if in the opinion of the chancellor the interest of said married woman would be promoted thereby, to decree that such married woman may hold and convey such property, absolutely, and in her own name, and the same shall not be subject to the debts of her husband.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 14, 1857.

In force Feb. 10, 1857. AN ACT to amend chapter ten. of the Revised Statutes, entitled "Attachments against Boats and Vessels."

*Service rendered
other boats
creates a lien

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That when any service shall be rendered by any steamboat, canal boat, barge, flat boat, or other water craft, to any other steamboat, canal boat, barge, flat boat, or other water craft, under any contract, express or implied, the owner or owners of such steamboat, canal boat, barge, flat boat, or other water craft, so rendering such service shall have a lien on such boat or water craft aforesaid, to which the same may be rendered, for the value of such services for the same length of time and in the same manner as liens are now enforced by law in this state against steamboats and other vessels for materials and supplies, and be enforced in the same manner.

§ 2. This act shall be in force from and after its passage.

APPROVED Feb. 10, 1857.

AN ACT to vacate a portion of a state road therein named.

In force Jan 15,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the state road from Freeport, in Stephenson county, to Savanna, in Carroll county, located in the year of A. D. 1853, as lies south of the point where said road intersects the north line of the southwest quarter of the southeast quarter of section thirteen, of the town of Florence, Stephenson county, and the south line of said county of Stephenson, be and the same is hereby vacated.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Jan. 15, 1857.

AN ACT to amend "An act to regulate the agency of insurance companies not incorporated by the state of Illinois," approved fourteenth of February, eighteen hundred and fifty-five. In force Jan. 22, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That insurance companies shall be required to file a copy of the statement required in the first section of the foregoing recited act to be filed in the auditor's office in the office of the county clerk of each county in which they may have established or may hereafter establish an agency, but a copy of the statement filed for a renewal of certificate, as required by the fourth section of said act, shall not be required to be filed in the office of the county clerk.

File copy in the
county clerk's
office.

§ 2. The auditor may file statements and evidence at any time they may be presented for that purpose, and grant certificates of authority to the agent or agents of the companies filing such statement, but no certificate shall authorize the agent or agents to take risks or transact any business of insurance from and after the thirty-first day of January next ensuing the date of such certificates. Any person or persons who shall transact any business of insurance as the agent of any company required by this act or the act to which it is an amendment, to obtain authority from the auditor to transact business in the state, without first obtaining a certificate from the auditor authorizing him or them to transact such business or who shall transact such business, after the expiration of the time specified in such certificate for doing business under it, and before he shall have received a renewal thereof, shall be liable to all the penalties imposed in the act to which this is an amendment for a violation of the provisions of said act.

Auditor to file
statements.

Penalty for doing
business with-
out a compli-
ance.

Fee to auditor.

§ 3. Insurance companies shall pay to the auditor five dollars for examining and filing the statement and evidence, and one dollar for each certificate of authority issued to agents.

This act to be in force from and after its passage.

APPROVED Jan. 22, 1857.

In force Feb. 13, 1857. AN ACT to amend an act entitled "An act to provide for a general system of railroad incorporations," approved November 5th, 1849.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the fourteenth section of an act entitled "An act to provide for a general system of railroad incorporations," approved November 5th, 1849, shall be amended by adding the following provision thereto, viz: "*Provided*, that none of the provisions of this section shall hereafter be applicable to such railroad companies as have organized under this law, until the same provisions shall be applied to the Central Railroad Company and to all other railroad companies incorporated under this act."

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 13, 1857.

In force Feb. 14, 1857. AN ACT to provide for the payment of improvements in the penitentiary at Alton.

Auditor to draw
warrant.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts is hereby directed to draw his warrant on the treasurer, in favor of Samuel A. Buckmaster, for the sum of eleven thousand and fifty-six dollars and forty-five cents, being the amount due said Buckmaster for improvements in the penitentiary at Alton, as shown by the report of the inspectors of said penitentiary to this session of the general assembly.

§ 2. This act shall be in force and take effect from and after its passage.

APPROVED Feb. 14, 1857.

AN ACT to amend an act entitled "An act to provide for township organization, approved Feb. 17, 1851." In force April 13, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the commissioners of highways, before determining to lay out any new road, or to alter or discontinue any old one, shall fix upon a time and place when and where they will meet, to hear any reasons that may be offered for or against altering, discontinuing or laying out the same, and they shall cause written notices thereof to be posted up in three of the most public places in the town, at least eight days previous to the time of meeting.

Commissioners to give notice before determining.

§ 2. After the action of the supervisors upon any road, upon appeal from the decision of the commissioners of highways, no application shall be entertained by commissioners for the relaying, vacation or alteration of the same road within one year from the previous application to commissioners.

No application for one year.

APPROVED Feb. 12, 1857.

AN ACT to amend an act entitled "An act to establish county courts," approved February 12th, 1849, and extending the jurisdiction of the La Salle, Winnebago, Boone and McHenry county courts, approved February 27th, 1854, extending the jurisdiction of the Carroll county court. In force Feb. 14, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in addition to the power heretofore conferred upon the county courts of this state, the county court of Carroll county shall have and they hereby receive the same powers in jurisdiction in all civil cases, suits and actions, and proceedings, which are conferred upon and now in force in the county courts of La Salle, Winnebago, Boone and McHenry counties, by an act of the general assembly, entitled "An act to amend an act establishing county courts, approved February 12th, 1849, and extending the jurisdiction of the La Salle, Winnebago, Boone and McHenry county courts, approved February 27th, 1854."

Jurisdiction of Carroll county court extended.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 14, 1857.

In force Feb. 16,
1857

AN ACT to provide additional bailiffs to wait upon circuit courts.

Additional num-
ber

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the judges of each judicial circuit be and are hereby authorized to empower the sheriff of each county composing said circuit, to employ as many additional bailiffs, above the number already provided by law, as may, in the discretion of said judge be necessary for the dispatch and disposal of all causes and actions in said court. The pay of said bailiffs not to exceed two dollars per day during their time of service, to be paid out of any unappropriated moneys in the county treasury. This act to take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

In force Feb. 18,
1857.

AN ACT to amend an act entitled "An act to preserve the game in the state of Illinois," approved Feb. 15, 1855.

Clinton county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the provisions of the act entitled "An act to preserve the game in the state of Illinois," approved February 15th, 1855, be and the same are hereby declared to be in full force and effect for the county of Clinton, anything in said act to the contrary notwithstanding.

Unlawful for per-
sons not citi-
zens to kill,
sell, &c.

§ 2. That it shall be unlawful for any person or persons, who are not citizens of said county of Clinton, to kill, ensnare or trap any deer, fawn, wild turkey, grouse, prairie hen or chicken, or quail, at any time, in said county of Clinton, for the purpose of selling or marketing the same outside of said county.

Penalty

§ 3. That any person or persons violating any of the provisions of this act shall be subject to the fines and penalties enumerated in section four of the act referred to in section one of this act, and to be recovered in the manner and form specified in said section four.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED Feb. 9, 1857.

AN ACT giving the judges of the supreme court power to appoint librarians and to regulate compensation, &c., &c. In force Feb. 10, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the judges of the supreme court are hereby authorized to appoint a librarian for each grand division, and to prescribe his duties and compensation not exceeding fifty dollars per quarter, to be paid as other expenses of the supreme court are paid.

Supreme court
appoint libra-
rian.

§ 2. The person appointed librarian, before entering upon the duties of his office, shall give bond with good security, to be approved by the judges of the supreme court, payable to the governor of the state of Illinois. Said bond shall be in the penal sum of one thousand dollars, and be conditioned for the due preservation of the books belonging to the library in his charge, and for the faithful performance of his duties as such librarian.

Librarian to give
bond.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb. 10, 1857.

AN ACT for the alteration of the plat of the village of Wauconda, and to vacate certain streets and alleys therein named. In force Feb. 12, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Justus Bangs, J. R. Wells and Asa Burbank be and they are hereby appointed commissioners to make the following alterations in the plat of the village of Wauconda, in the county of Lake, to wit: to locate a street or alley twenty-six feet wide through the centre of lot number three (3,) in block number four (4,) running from the street running through said plat northwesterly to the lake; also, to locate a street or alley on the line of lots one (1) and two (2,) and block three (3,) extending eastward thirty-three (33) feet, and westward ten (10) feet from said line, and northward sixteen (16) rods, parallel with said line from the south line of said lots one (1) and two (2,) and to vacate the street or alley between block three (3) and four (4,) and set the same to block three, as lot seven (7,) and vacate the street or alley between blocks five (5) and six (6,) and set the same to block five (5) as lot seven (7;) also, vacate the street or alley between blocks two (2) and three (3,) and set the same to block two (2) as lot five (5;) also, vacate the street or alley between blocks six (6) and seven (7,) and set the same to block six (6) as lot seven (7,) and locate a street or alley on the line between lots

Commissioners
appointed, their
duty.

five (5) and six (6,) in block six (6,) taking one rod off said lot five (5,) and thirty-three (33) links off said lot six (6).

Further duties of
commissioners.

§ 2. The said commissioners shall within six months from the date of the passage of this act proceed to make the alterations in the first section of this act described, and shall cause the same to be surveyed, and a plat or map thereof made by the county surveyor in accordance, as near as may be, with the laws now in force in relation to the laying out of towns in this state.

Map to be record-
ed.

§ 3. The said plat or map, after having been completed, shall be certified by the surveyor and said commissioners, and the persons owning the land upon which said new streets or alleys shall be located, or their agent, shall acknowledge the same before some person authorized by law to take the acknowledgment of deeds and other instruments, after which said plat or map, with the certificates thereto, shall be recorded in the office of the clerk of the circuit court of Lake county, in like manner and with like effect as in other cases of town plats under the existing laws of this state.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 12, 1857.

Is force April 11, 1857. AN ACT empowering certain commissioners to alter a state road in Ogle county.

Commissioners of
highways to al-
ter and vacate.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the commissioners of highways in the town of Lafayette, and county of Ogle, be and are hereby authorized to so alter the state road located between Grand de Tour and Chicago, as to cause said road to run, commencing at the point of its intersection with the town line between Lafayette and Taylor townships, north on said town line to the town line between Lafayette and Pine Rock townships, and thence east on said town line to the point of intersection with said state road as at present located, and said commissioners are further empowered to vacate so much of said state road as is located between the first and last points of said relocation.

APPROVED Feb. 10, 1857.

AN ACT to provide for the payment of certain books therein named.

In force Feb. 14,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois represented in the General Assembly*, That the auditor of state be and he is hereby authorized to issue his warrant on the treasury for the sum of three hundred and twenty-five dollars, in favor of Keen & Lee, booksellers, of the city of Chicago, being for (1300) thirteen hundred extra copies of a compilation of township organization laws, furnished the secretary of state, under and by virtue of the provisions of the act in relation to the compilation and distribution of the general laws of the state of Illinois, relative to township organization, approved Feb. 9th, 1855.

Auditor to issue
warrant.

§ 2. This act to be in force from and after its passage.
APPROVED Feb. 14, 1857.

AN ACT to vacate certain roads therein mentioned.

In force Feb. 11,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois represented in the General Assembly*: That all that part of the Kaskaskia road which runs over the town lots of Rose and Omelveny's addition to the town of Waterloo, and so much of the public road, commonly called the "Prairie Du Long road," as runs over the town lots of the same addition of said town, be and the same is hereby declared vacated.

Vacated roads.

§ 2. That this act take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to amend chapter forty-one, Revised Statutes, entitled "Fees and Salaries."

In force Feb. 14,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That there shall be allowed to the secretary of state, a fee of one dollar for each commission issued to a notary public.

This act to take effect from its passage.

APPROVED Feb. 14, 1857.

In force Feb. 16, 1857. AN ACT to locate a state road from Charleston, in Coles county, to Olney, in Richland county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Reuben Moor, William E. Smith and William Maxwell are hereby appointed commissioners to locate a state road, viz: from Charleston, in Coles county, to Prairie City, in Cumberland county, thence to Newton, in Jasper county, thence to Olney, in Richland county.

Commissioners
to locate.

§ 2. The said commissioners, or a majority of them, shall meet at Charleston, in Coles county, on the first Monday in April next, or within one month thereafter, as they may agree on, and upon being duly sworn before some justice of the peace of Coles county, to faithfully and impartially discharge their duties as said commissioners, shall commence at Charleston and locate said road on the nearest and most eligible route to the points specified in the preceding section, having due regard to private property.

Commissioners
to meet.

§ 3. Said commissioners shall designate said road by blazes on trees through timber and by setting up stakes in untimbered ground; shall make out a plat of said road, with the marks and distances from point to point, which plat when so made shall be certified by said commissioners, or a majority of them, and a copy thereof filed in the office of the clerks of the county court of each county through which the road may be located, and the county courts shall then cause so much of said road as lies within their respective counties to be opened sixty feet wide and keep in repair as other public highways are.

Duty of commis-
sioners.

§ 4. The said commissioners shall make out and present to the county court of each county in which said road may be located, a copy of their time and the number of hands severally employed in each county, and thereupon it shall be the duty of said courts to make compensation for the sums severally due, in proportion to the number of days in each county, allowing to each commissioner the sum of one dollar and fifty cents, and to each hand one dollar, and to the surveyor two dollars per day, for every day necessarily employed in locating said road through their respective counties, and that such other reasonable compensation shall be allowed for the use of teams should such be necessary, to be paid by said courts as aforesaid.

Compensation of
commissioners,
how paid

§ 5. This act to be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to amend the several laws of this state in relation to swamp lands. In force Feb. 12. 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Brown be and is hereby authorized and empowered to value the swamp lands in said county remaining unsold, and to proceed to sell the same at any time hereafter in the manner now provided for by law, anything in the laws of this state in relation to swamp lands to the contrary notwithstanding.

Supervisors of
Brown county
to value and
sell.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED Feb. 13, 1857.

AN ACT to amend an act entitled "An act to provide for the sale of state lands and the liquidation of state indebtedness, and to grant rights of pre-emption to settlers on state lands," approved February 11, 1853. In force Feb. 16 1857

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of section (2) two in the act to which this is an amendment, requiring the auditor to sell the state lands within twelve months from the passage of said act, is hereby repealed, and the time of such sale is hereby extended until all the lands mentioned in said act are sold; and the auditor of public accounts is hereby required to offer at public sale, in accordance with the provisions of the act to which this is an amendment, all the lands now owned by the state of Illinois, and which were withheld from sale by an act entitled "An act to suspend the sale of lands owned by the state," approved February 7, 1851.

Part of sec. 20
repealed.

Auditor to offer.

§ 2. All persons who had a right of pre-emption to any lands under the eighth (8) section of said act, shall be permitted to prove up their pre-emptions in accordance with the provisions of said eighth section, within six months after the passage of this act: *Provided*, that if any of said pre-emptions have been sold or transferred, the legal owner or owners of said pre-emptions now in the actual possession of the lands to which said pre-emptions attach, shall have the right to prove up the same, and shall be entitled to all the rights and privileges of the original owner.

Pre-emption.

§ 3. This act shall be in force from and after its passage.

APPROVED Feb. 16, 1857.

In force Feb. 5, 1857. AN ACT for the relief of the Illinois Institution for the Education of the Deaf and Dumb.

Appropriation.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there be appropriated to the institution for the education of the deaf and dumb the sum of six thousand five hundred and eight dollars and thirteen cents, for the purpose of paying divers laborers and tradesmen certain debts due for labor performed and material furnished, in erecting the north wing and completing the repairs upon the centre building of said institution, to be disbursed in the same manner as other funds of said institution; and the auditor is hereby authorized to draw his warrant on the treasury for that sum.

§ 2. This act to be in force from and after its passage.
APPROVED Feb. 5, 1857.

In force Feb. 7, 1857. AN ACT to provide for laying out highways upon the line between Illinois and adjoining states.

Adjoining states.

SECTION 1. Highways may be laid out and opened upon the line between this and any adjoining state as provided in sections nineteen, twenty, twenty-one, twenty-two and twenty-three of "An act to provide for township organization," approved Feb. 17, 1851, whenever the laws of such adjoining states shall be applicable.

§ 2. This act shall be in force from and after its passage.
APPROVED Feb. 7, 1857.

In force Feb. 9, 1857. AN ACT to alter the state road leading from Josephine, in Woodford county, to Knoxville, in Knox county.

Alteration of.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the state road leading from Josephine, in Woodford county, to Knoxville, in Knox county, be so altered as to run due west from the southeast corner of section sixteen, in township twelve north, range three east, one half mile; thence south till it intersects the road as now laid out; and that all that portion of said road which runs angling across the northeast quarter of twenty-one, in said township, be and is hereby vacated. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 9, 1857.

AN ACT to establish a state road from Ottawa, in La Salle county, to Dwight, in Livingston county. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That George W. Armstrong, Daniel T. Hitt and Thomas M. Mason, of La Salle county, be and they are hereby appointed commissioners to locate. Commissioners to locate.
 to locate a state road, commencing at the quarter-section corner of section thirteen and fourteen, in township thirty-three north, of range three east of the third principal meridian, at the southeast corner of the city of Ottawa, in La Salle county, and running south on the road known as the Bloomington road, to or near the farm of John B. Reed, on the west line of section twelve, in town thirty-two north, of range three east of the third principal meridian; thence in a southeasterly direction, the most direct and eligible route to the southwest corner of section thirty-four, town thirty-one north, range five east; thence east on the north line of Livingston and the south lines of La Salle and Grundy counties, to the northwest corner of town thirty north, range seven east; thence on the section lines to the village of Dwight, in Livingston county: *Provided*, that the commissioners herein appointed to locate the said road, when they arrive at the following tracts of land shall run the said road as follows, viz: through the east half of the S. W. qr. of sec. 18, in T. 32 N., R. 4 east of the (3) third principal meridian, so as to take off five acres from the S. W. corner of said tract of land; and through the N. W. qr. of sec. 19, same town and range, so as to take off five acres from the N. E. corner of said tract; and through the N. E. qr. of the same sec., town and range, so as to take off ten acres from the S. W. corner of said tract; and through the S. E. qr. of same sec., town and range, so as to take off ten acres from the N. E. corner of said tract; and through the N. W. qr. of sec. 29, same town and range, so as to take off ten acres from the N. E. corner of said tract; and through the N. E. qr. sec. 29, same town and range, so as to take off five acres from the S. W. corner of said tract of land; and through the west half of the S. W. qr. of sec. 29, same town and range, so as to take off five acres from the N. W. corner of said tract of land; and the said commissioners shall lay out and establish said road by the nearest and most practicable route to the village of Dwight, in Livingston county. Ottawa.
Reed's.
Livingston.
Dwight.

§ 2. The said commissioners, or a majority of them, shall meet in Ottawa, on or before the first day of April next, or as soon thereafter as convenient, and after calling to their assistance two chainmen and one axeman, and after being sworn by some justice of the peace or other officer authorized to administer oaths, to faithfully and im- Commissioners meet.
Sworn.

partially perform the duties required of them by this act, shall proceed to survey, mark and locate said road, and having the same shall within thirty days thereafter return to the office of the clerks of the county courts of each of said counties through which said road may pass, one copy of the plat of the survey of said road, together with field notes thereof, which plat, field notes and the report of said commissioner, shall be spread upon the records of said county courts.

Survey.
Plat to clerk county court.
Recorded.
Copy filed with town clerk.
Road opened.
Damage.

§ 3. The clerks of the county courts of each county through which said road shall have been so located, shall within thirty days after the report of said commissioners shall have been filed in their office, cause a copy of said survey and report to be filed in the town clerk's offices of the several towns through which said road shall pass, and the commissioners of highways in said towns shall cause the said road to be immediately opened sixty-six feet wide and kept in repair as other public roads.

How assessed.
Return to county clerk.
Notify owner.
Appeal.

§ 4. In locating said road, the commissioners shall have due regard to private property, doing as little damage as may be consistent with public interest, and when damages are claimed by any owners of land over which the said road shall pass, if they cannot agree with said owner or owners of such land as to the amount of damages, the said commissioners shall proceed to assess said damages without regard to the benefit of such road to the owner or owners of such land, and make return of said assessment, to the clerks of the county courts of the respective counties where such damages are claimed, at the same time they make their report; and the clerks shall immediately notify the proper officers of such claim for damages, so that they may cause the same to be paid, and the clerks shall also notify the owners of the land as to the report and amount of damages allowed by the commissioners. The owners of the land, if they are not satisfied with such assessment, shall have the right to appeal to the circuit court of the county in which such land may be situated, by filing a bond with the clerk of said court within twenty days after receiving the notice of the assessment of such damages, or the filing of the said plat and assessment in the office of the said clerk.

Expenses, how paid.
How paid.

§ 5. The said commissioners shall each receive as compensation for their services, the sum of two dollars and fifty cents per day, the surveyor shall receive five dollars per day for his services, and the chainmen and axeman shall each receive the sum of one dollar and fifty cents per day for their services: *Provided*, that if either of the said commissioners appointed by this act shall act in the capacity of surveyor, he shall receive no further compensation than five dollars per day for his services as commissioner and surveyor, except that he shall be allowed an

additional reasonable allowance for making out the plats, as the courts shall judge to be right and just, said expenses to be paid by the supervisors of the several counties in proportion to the length of the road running through each county.

Counties to pay
in proportion.

§ 6. Said road, when so located, shall be deemed and declared a state road, and be opened four rods wide and be kept in repair as other public roads.

State road

§ 7. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to locate a state road therein named.

In force Feb. 9,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John W. Hoit, James McGahey and Martin Woodworth, of Crawford county, or a majority of them, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the northeast corner of section sixteen, in town six north, of range eleven west, in said county; and thence running west on the line between section sixteen and nine, a distance of eighty-two rods; thence directly south to intersect with the present traveled road running across a portion of said section sixteen.

Commissioners,
their duty.

§ 2. Said commissioners, or a majority of them, shall shall meet on or before the first day of December next, and proceed to lay out said road as above provided, and shall mark out and designate the same.

Further duty.

§ 3. Said commissioners, or a majority of them, shall cause a plat of said road to be made out from point to point, and after the same shall have been certified by them, said plat shall be filed in the office of the county clerk of said county, and the county court shall allow said commissioners adequate compensation for their services.

Plat to be filed

§ 4. Said road, when so located, shall be and the same is hereby declared a state road, and shall be opened four rods wide and kept in repair as other state roads.

Road opened and
kept in repair.

This act to take effect from and after its passage.

APPROVED Feb. 9, 1857.

In force Feb. 11, AN ACT to locate a state road in the town of Rockton, Winnebago county.
1857.

SECTION. 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That a state road be and is hereby laid out in the town of Rockton, Winnebago county, as a public highway, to commence in the village of Rockton, at the south end of Washington street, in said village; running thence south to the bridge erected by the commissioners of said town across Rock river, and to be of the same width as the said Washington street; and that the present and future owner or owners of the land on which said highway is laid, and adjoining thereto, have, and shall have, reserved forever, without let or hindrance, the undisputed right to construct and maintain a water course or mill race across said highway between Hawick street and Rock river, not exceeding one hundred feet in width, and said owners shall not be liable or under obligation to bridge said water course or mill race, but such bridge or bridges as shall be required shall be determined, built and forever maintained by the highway commissioners of said town of Rockton, at the expense of said town.

§ 2. The damages or right of way for laying such road shall be determined and adjusted in the manner prescribed for settling damages in cases of laying roads or public highways, by the highway commissioners of towns, and subject to like appeals.

§ 3. Any action heretofore had by the highway commissioners of said town of Rockton, for laying a road on the ground contemplated in the laying of such state road shall be void and of no effect.

§ 4. The highway commissioners of the said town of Rockton, shall meet and award the damages for laying such state road, to the owner or owners of the land across which said state road passes, within sixty days after the passage of this act, and file the same on record in the town clerk's office of said town; and any appeal from the award of said commissioners, if taken, shall be taken within the usual time of taking appeals in cases of laying roads by highway commissioners, and determined in the same manner; and whenever the damages awarded shall be paid, said road shall be fully established.

§ 5. This act shall be deemed a public act and take effect and be in force from and after its passage.

APPROVED Feb. 11, 1857.

AN ACT to relocate a portion of a state road in Tazewell county,

In force April 20,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Seth Talbott, Jesse Fisher and Augustus Ames, of Tazewell county, be and they are hereby appointed commissioners to view and relocate so much of the state road leading from Peoria to Springfield, as passes over sections twenty-five and twenty-six, in the town of Elm Grove, in Tazewell county, which relocation shall be as follows, to wit: beginning at the point where said road crosses the north line of said section twenty-five (25;) and thence running west on the section line dividing sections twenty-four and twenty-five to the west side of said sections; and thence running south on the line dividing said sections twenty-five (25) and twenty-six (26,) to the south line of said sections; and from thence running west on the section line dividing sections twenty-six (26) and thirty-five (35,) to the point where said road at present crosses said section line; and from thence uniting with the old road as at present located; and the portion of said road so relocated and laid out is hereby declared a public state road, and shall be opened and kept in repair as other public roads are, and the portions of said road affected by this relocation is hereby declared vacated.

Commissioners to
locate.

Road.

To be a state road

§ 2. Said commissioners, or a majority of them, shall meet on said premises so to be relocated on the first Monday of April next, or as soon thereafter as convenient, and take an oath before some justice of the peace faithfully to discharge the duties required of them by this law, and having relocated said road as herein directed, and having caused an accurate survey and plat of the portion of said road so relocated to be made by a competent surveyor, and such plat shall be by them returned to the office of the county clerk of said Tazewell county, and the same shall be filed in his office as other records of state roads.

Commissioners'
duty.

Plat filed.

§ 3. Said commissioners shall be allowed the sum of two dollars per day while actually engaged in reviewing and relocating said road, and the further sum of four dollars per day for paying the surveyor while employed by them, to be allowed and paid by the board of supervisors of said county of Tazewell, in the same manner as other claims allowed by law.

Compensation of
commissioners
and surveyor.

§ 4. That portion of said road as relocated shall not be opened as a highway until the land owners over which such road so relocated passes shall release all damages by reason of such relocation.

Road not to be
opened.

APPROVED Feb. 11, 1857.

in force Feb. 14,
1857.

AN ACT to locate and establish a certain state road therein named.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Thomas R. Harris and E. H. Richard, of Macoupin county, and Joseph Talkington, of Sangamon county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the southwest corner of the county of Sangamon; thence running east with the county line three miles to the northeast corner of section number three (3,) in township number twelve north, range number seven west; thence in a southeastwardly direction with the old Vandalia road, to the Carlinville and Colburn road; thence north with said road to the county line; thence east with the county line to the northwest corner of section number six, in township number twelve north, range number six west, so as to intersect the Waverly and Virden state road.

Commissioners
appointed.

Their duty.

Commissioners to
be sworn.

§ 2. Said commissioners, or a majority of them, shall meet at the house of Thomas R. Harris, in Macoupin county, on or before the first day of April next, or as soon thereafter as practicable, and take an oath before some person authorized to administer oaths, faithfully to perform the duties required of them by this act; shall proceed to lay out said road as provided in the preceding section, and shall designate the route of said road, by placing stakes in the ground or plowing a furrow in the prairie, and blazes on the trees in the timber.

Report to be filed

§ 3. Said commissioners shall, as soon as the said road is located, make and file a report and plat of said road, showing the course and distances from point to point, which plat and report, when so made, shall be certified by said commissioners, and a copy thereof filed in the office of the clerk of the county courts of the several counties through which the said road may pass, and shall make out and present to several county courts certified copies of the time and number of hands necessarily employed in each county; and thereupon it shall be the duty of said courts to make a compensation for the sums severally due, allowing to each commissioner the sum of one dollar and fifty cents, to each hand one dollar, and to the surveyor two dollars per day, for every day necessarily employed in locating said road through their respective counties.

Expenses

Opened and kept
in repair

§ 4. Said road shall be, when located, and the same is hereby declared a state road, and shall be opened four rods wide and kept in repair as other state roads.

§ 5. This act to take effect from and after its passage.

APPROVED Feb. 14, 1857.

AN ACT to locate a state road from Littleton, in Schuyler county, to Plymouth, in Hancock county. In force Feb. 13, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Samuel Harney, William Noel, of Schuyler county, and J. J. Hipple, of Hancock county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the town of Littleton, in Schuyler county; thence to run over the nearest and most practical route to the town of Birmingham, in said county of Schuyler; thence to the town of Plymouth, in Hancock county.

Commissioners
in Schuyler
and Hancock
counties.

§ 2. Said commissioners, or a majority of them, shall meet at said town of Littleton, on or before the first day of April next, or as soon thereafter as convenient, and after having been duly qualified before some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to lay out said road as provided in the preceding section, and designate the route of said road by placing stakes in the ground, and marks upon the trees along the route finally adopted.

To meet.

To be sworn.

§ 3. Said commissioners shall, as soon as the said road is located, make and file a report and plat of said road, showing the distances from point to point, which plat and report, when so made, shall be certified by said commissioners, and a copy thereof filed in the office of the clerk of the county courts of the counties of Schuyler and Hancock, and shall make out and present to the boards of supervisors of said counties, certified copies of the time and number of hands necessarily employed in locating said road, and thereupon it shall be the duty of the board of supervisors of said counties to make compensation for the sums severally due, allowing to each person employed in laying out said road, the sum of two dollars per day, except the surveyor, who shall be allowed the sum of three dollars for each day so employed: *Provided*, the county of Schuyler shall pay two-thirds and the county of Hancock one-third of the total cost of laying out said road.

Plat to be filed

In Schuyler and
Hancock counties.

Compensation.

Provide.

§ 4. Said road, when so located, shall be and the same is hereby declared a state road, and shall be opened four roads wide and be kept in repair as other state roads.

Roads opened and
kept in repair.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED Feb. 13, 1857.

In force Feb. 13,
1857.

AN ACT to locate a state road from Shelbyville, in Shelby county, by the way of Neoga and Prairie City, in Cumberland county; thence easterly to intersect the national road in said last named county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Ewing, John Berry and E. G. Shallenbarger be and they are hereby appointed commissioners to locate a state road, to wit: from Shelbyville, in Shelby county, to Neoga, in Cumberland county; thence on the most eligible route to Prairie City; thence easterly to intersect the national road at a point some five and a half miles from Prairie City, in said Cumberland county.

§ 2. The said commissioners, or a majority of them, shall meet in Shelbyville, in Shelby county, on the first Monday of May next, or within three months thereafter as they may agree on, and upon being duly sworn by said justice of the peace of Shelby county, to faithfully and impartially discharge their duties as said commissioners, shall commence at Shelbyville and locate said road on the best and most eligible route to and between the points specified in the preceding section.

§ 3. Said commissioners shall designate said road by blazes on trees through timber and setting up stakes through untimbered ground; shall make out a plat of said road with the mark and distance from point to point; which plat, when so made, shall be certified by said commissioners, or a majority of them, and a copy thereof filed in the office of the clerk of the county court of Shelby and Cumberland counties, and the county courts shall then cause so much of said roads as lies within their respective counties, to be opened sixty feet wide and keep the same in repair as other highways are.

§ 4. The said commissioners, or a majority of them, shall make out and present to the county court of each county in which said road may be located, a certified copy of their time and the number of hands respectively employed in each county; thereupon it shall be the duty of said court to make compensation for the same severally due in proportion to the number of days in each county, allowing to each commissioner the sum of two dollars per day, and to each hand employed the sum of one dollar and fifty cents per day, and to the surveyor the sum of two dollars and fifty cents per day for each day necessarily employed in locating said road through their said counties; and that such other reasonable compensation shall be allowed by said courts for the use of teams, should such be necessary, to be paid for by said courts as aforesaid.

§ 5. This act to be in force from and after its passage.

APPROVED Feb. 13, 1857.

AN ACT to establish the county of Douglas, and for other purposes therein named. In force Feb. 13, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all that portion of the counties of Coles and Champaign lying within the following boundaries, to-wit: commencing at the northeast corner of the county of Coles; thence north on the east line of Champaign county three miles, more or less, to a section stake, in the centre of township seventeen (17;) thence west, on the section line, to the west line of Champaign county; thence south on the west line of Champaign county, and on the west line of Coles county to the southwest corner of section eighteen, (18,) township fourteen (14) north, of range seven east; thence east on the section line to the centre thread of the Embarrass river; thence up the centre thread of said river, one-half mile, more or less, to the first quarter section line; thence east on said quarter section line to the east line of Coles county, and thence north on the east line of Coles county to the place of beginning, be and the same is hereby created into a new county, to be called the county of Douglas: *Provided*, that a majority of all the legal voters of each of said counties of Coles and Champaign, voting on the question, shall vote for the same in the manner herein-after prescribed.

Boundaries de-
fined.

§ 2. The qualified voters of said counties of Coles and Champaign may, at an election to be held in the several precincts of said counties, to be held on the last Monday in March next, vote for or against the creation of said new county of Douglas, by ballot, upon which shall be written or printed, or partly written and partly printed, "For the new county," or "Against the new county."

Election, when
held.

§ 3. The clerks of the county courts of the counties of Coles and Champaign shall give notice of said election in the several election districts of said counties, in the same manner as general or special elections are given as nearly as may be; and the judges of election and clerks thereof, shall conduct the said election and make returns thereof in the same manner as is now provided by law for conducting elections. In case of vacancy in the board of election, or failure to attend, such vacancy or place of absentee shall be filled in the same manner as is now provided by law in relation to elections. Returns of said elections shall be made by the several boards of election to the clerk of the county courts of their respective counties, who shall be governed by the general election law then in force, in opening and canvassing the same. The clerk of the county court of Coles county shall make return of the votes of said county to Coleman Bright and Sigler Lester, and the clerk of

Clerks to give
notice.

Returns, how
made.

Returns to be
made to secre-
tary of state.

Majority voting.

Special election.

When held.

County officers
elected.

Duties of.

Fractional pre-
cincts to vote.

Justices and con-
stables to con-
tinue.

County seat, how
located.

Majority.

the county court of Champaign county shall make return of the votes of said county to M. B. Lemon and Joseph O'Bryan, in each case within six days after the same have been canvassed, and each of said clerks shall also within ten days make returns of said votes to the secretary of state.

§ 4. If it shall appear that a majority of all the voters in each of said counties of Coles and Champaign, voting upon the question, have voted in favor of the creation of the new county of Douglas, then there shall be held a special election in the several precincts within the limits in this act described for said new county of Douglas, on the second Monday in May next, for county officers. Said election shall be conducted by the judges of election then holding office under appointment in the counties of Champaign and Coles counties, and at the usual places of holding elections; at which election the qualified voters of the new county of Douglas shall elect all county officers for said county, except such as are hereinafter excepted, who shall be commissioned and qualified in the same manner as such officers are in other counties in this state, and shall hold said offices until the next general election for such officers, and until their successors are elected and qualified, and shall have all the jurisdiction and perform all the duties which are or may be conferred upon or required of like officers in this state. In case there shall be portions of precincts or election districts within the boundaries of the new county, then the voters within the same may, at the first election for county officers, as herein provided for, vote within such precinct or election district as they may deem most convenient within said new county.

§ 5. All the justices of the peace, constables or other officers who have been heretofore elected and qualified in the counties of Coles and Champaign, whose term of office shall not have expired at the time of said election, and whose place of residence shall be embraced within the limits of said county of Douglas, shall continue to hold their said offices and exercise the jurisdiction and perform the duties thereof until their term of office shall expire, and until their successors shall be elected and qualified.

§ 6. For the purpose of fixing the permanent county seat of said county of Douglas, the voters of said county shall at said election for county officers, vote for some place to be designated upon their ballots for a county seat. Upon such ballots shall be written or printed, or partly written and partly printed, "For county seat, —," after which words shall be written or printed the name of the place intended. The place receiving the majority of all the votes polled upon the question shall be the county seat of said county of Douglas; but if no one place shall

receive a majority of all the votes polled upon that question, then it shall be the duty of the county court of said county to call another election, within sixty days thereafter, at the several places of holding elections in said county, at which time the voters of said county shall choose from the two places having the highest number of votes at the former election, and the place having the majority of all the votes given shall be the permanent county seat of said county of Douglas. Another election

§ 7. Notices of said election for county officers shall be given by the clerk of the county court of Coles county in the same manner as notices of general elections are given in other cases; which notices shall specify that a vote will be taken upon the location of the county seat, and returns of said election shall be made to said clerk of said county court the same as is provided by law in other cases. Notice given.
Returns made.

§ 8. All suits and prosecutions that have been or may be commenced in said counties of Coles and Champaign, including all proceedings in the county courts of said counties, in matters of probate, before the organization of said county of Douglas, shall not be affected by this act, but all such suits, prosecutions and proceedings shall be prosecuted and conducted to their final termination in said counties of Coles and Champaign, and the officers of said counties of Coles and Champaign are hereby authorized to execute all writs that may be necessary for the completion of said suits, prosecutions and proceedings within the limits of said county of Douglas; and all judgments that may have heretofore been obtained or that may hereafter be obtained under the provisions of this section, shall have the same lien upon all property within the limits of said county of Douglas as though the said territory had not been erected into a separate county. Suits not affected
Writs executed.
Judgments.

§ 9. As soon as the county officers shall have been elected and qualified, the said county of Douglas shall be considered organized, and the clerk of the circuit court of said county shall give notice thereof to the judge of the fourth judicial circuit, who shall hold court at such places as shall be designated by the county court until the county seat is located as herein provided. Said circuit court shall be holden at such times as said judge shall direct, until otherwise provided by law. When county organized, notice to be given.
Circuit court to be holden.

§ 10. The school funds belonging to the several townships embraced in the limits of said county of Douglas, shall be paid and delivered over by the school commissioners of the counties of Coles and Champaign to the school commissioner of the said county of Douglas, as soon as he shall be elected and qualified. School funds,

§ 11. The county court of said county of Douglas may at any term of said court, by an order to be entered of County court.

Blank books.

record, appoint some competent person a commissioner for the purpose hereinafter expressed, who shall take an oath of office before some person authorized by law to administer oaths; said court shall at the same time provide a sufficient number of blank books and deliver to said commissioner, who shall receipt for the same to the clerk of the said county court.

Deeds to be recorded.

§ 12. As soon as said books shall be delivered to said commissioner he shall record in each a copy of the order of his appointment and of his oath of office, and shall thereupon proceed to transcribe into such books all such deeds, mortgages and title papers of every description, with the certificates of acknowledgment thereto, of lands lying in the county of Douglas which have been recorded or may hereafter, before the organization of said county of Douglas, be recorded in the recorders' offices of said counties of Coles and Champaign; and there shall be allowed to said commissioner such sum as his services aforesaid are reasonably worth, to be paid out of the county treasury of the county of Douglas.

Compensation.

Commissioners to make returns.

§ 13. When said commissioner shall have completed his work, he shall make return of said books to the clerk of the circuit court of said county of Douglas, and they shall thereupon be taken and considered to all intents and purposes as books of record of deeds, mortgages and title papers for the county of Douglas, and copies of said papers certified by the officer having custody of said books, shall be evidence in all courts and places, in the same manner that copies of records are evidence in other cases and with like effect.

Majority not voting for.

§ 14. *And be it further enacted,* That in case a majority of all the voters voting at the election provided for in the second section in this act, in the county of Champaign, shall not vote in favor of creating the said new county of Douglas, and a majority of all the legal voters of Coles county voting at said election shall vote in favor of such new county, then and in that case the said new county of Douglas shall be and the same is hereby created out of that portion of Coles county mentioned and described in the first section of this act, and upon which all that portion of this act in reference to the county of Champaign shall be of no effect.

Coles county.

Secretary of state certify under the seal.

§ 15. The secretary of state shall forthwith furnish the clerks of the county court of the counties of Coles and Champaign with a copy of this act, certified under the seal of state.

§ 16. This act to take effect and be in force from and after its passage.

APPROVED Feb. 13, 1857.

AN ACT to locate and establish a state road therein named.

In force Feb. 14,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Williams and John C. Virden, of the county of Macoupin, and state of Illinois, be and the same are hereby appointed commissioners to view, mark and locate a state road from a point on the Virden and Taylorville state road at the centre corner, on the east line of the northeast quarter of section number ten, in township number twelve north, range No. six west of the third post meridian, in Macoupin county; thence east one-fourth of a mile; thence north one mile and one-fourth to the line between Sangamon and Macoupin counties; thence east on said line to the southeast corner of Sangamon county.

Commissioners
to locate.

§ 2. Said commissioners, or any two of them shall meet at [the] town of Virden on the first Monday of March next or at some early day thereafter, and shall take an oath before some justice of the peace of Macoupin county, faithfully to perform the duties enjoined on them by this act, and after being so sworn, such commissioners, or any two of them, shall proceed to view, survey, mark and locate said road in the manner required by law for the location of public roads, on the most eligible route, having due regard to private property.

Duty of commis-
sioners.

§ 3. Said commissioners shall be required to return to the clerks of the county courts of the several counties through which said road shall pass, on or before the first Monday in the month of June next, a correct plat of the survey of said road, which plat shall be filed in the office of the several clerks aforesaid; and the county courts of the several counties shall cause said road within their counties to be opened and kept in repair as other public roads, and the said road shall be deemed and considered a public highway.

Plat returned and
road opened.

§ 4. The commissioners acting under this appointment shall have power to employ a surveyor and such other persons as may be necessary in performing the duties assigned them, and shall make out a report and file with the clerk of each county court, stating the length of time they and others were employed in said county, and it shall be the duty of the county court to allow and pay said charges in the same manner as allowed by law in locating public roads.

How paid for.

§ 5. This act to take effect from and after its passage.

APPROVED Feb. 14, 1857.

in force Feb. 16, 1857. AN ACT to locate a state road from Taylorville, in Christian county, to Mt. Pulaski, in Logan county.

Commissioners to locate.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Samuel S. Cisna and William Sharp, of Christian county, and William Crane, of Sangamon county, be and they are hereby appointed commissioners to view, mark and locate a state road from the town of Taylorville, in Christian county, to Mt. Auburn, in said Christian county; from thence to Illinoisopolis, in Sangamon county, and from thence to Mt. Pulaski, in Logan county.

Duty of commissioners.

§ 2. The said commissioners, or any two of them, shall meet in the town of Taylorville, on the first Monday of April next, or some day thereafter, and before entering upon the duties assigned them by this act shall take an oath before some justice of the peace of the county of Christian aforesaid, faithfully to discharge the duties required of them by this act, and shall proceed to view, mark and locate said road four rods wide, on the nearest and most eligible route.

Plat to be filed with county clerk.

§ 3. Upon such location being made, the said commissioners, or any two of them, shall cause to be made out and deliver to each of the county clerks of the several counties through which the road shall run, a copy or plat of said road; which plat shall be filed in their offices.

Road to be opened

§ 4. The county courts shall cause said road, or so much thereof as lies within their respective counties, to be opened and kept in repair, and said road is hereby declared to be a state road.

Compensation of commissioners, how paid.

§ 5. The county courts of Christian, Sangamon and Logan counties, each in proportion to the extent of said road running through their counties, shall allow said commissioners two dollars for each day necessarily employed, the surveyor two dollars and fifty cents for each day necessarily employed, and hands and others employed by said commissioners shall be allowed a reasonable compensation. The several accounts rendered against each county shall be certified by the commissioners, or a majority of them, as correct.

§ 6. This act shall be deemed a public act and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to locate a state road therein named.

In force Jan. 18,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Thomas R. Harris and E. H. Richards, of Macoupin county, and Joseph Talkington, of Sangamon, be and they are hereby appointed commissioners to view, mark and locate a state road as follows, viz: commencing at the northwest corner of the southwest quarter of section number thirty, in township number thirteen north, of range number seven west, in Morgan county; thence running east to the southwest corner of the northwest quarter of section number twenty-nine, in township number thirteen north, range number seven west, in Sangamon county; thence south to the southeast corner of the northeast quarter of section number seven, in township number twelve north, range number seven west, in Macoupin county; thence west eighty rods; thence south on or near the line or on the most eligible ground so as to intersect the Cummington and Girard road.

Commissioners to
locate.

Road.

§ 2. The said commissioners, or any two of them, shall meet in the town of New Hartford, or at the house of Thomas R. Harris, in Macoupin county, on the first Monday of April next, or some day thereafter, and before entering upon the duties assigned them by this act shall take an oath before some justice of the peace of the county of Macoupin aforesaid, faithfully to discharge the duties required of them by this act, and shall proceed to view, mark and locate said road four rods wide.

Commissioners to
meet.

Sworn.

§ 3. Upon such location being made, the said commissioners, or any two of them, shall make a report of the same to the county courts of Morgan, Sangamon and Macoupin counties aforesaid, and said courts shall cause said road or so much thereof as lies within their respective counties, to be opened and kept in repair, and said road is hereby declared to be a state road.

Report.

Road opened.

§ 4. The counties of Morgan, Sangamon and Macoupin shall allow said commissioners, their surveyors and assistants, a reasonable compensation for their services, in proportion to the extent of said road in said counties.

Compensation.
how paid.

§ 5. This act to be in force from and after its passage.

APPROVED Feb. 13, 1857.

In force Feb. 11,
1857.

AN ACT to vacate a certain state road in the county of Will.

Road vacated.

Relocated.

Agreement to be
filed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of a certain state road in the county of Will, as runs diagonally across the southeast quarter of section twenty-eight (28,) in township thirty-seven (37) north, of range ten (10) east of the 3d principal meridian, be and the same is hereby vacated; and the same is hereby relocated along the east and north lines of said quarter section: *Provided*, that the entire width of said state road as hereby relocated shall be laid within the line of said quarter section, unless the owners of the land adjacent thereto, on the east and north sides, shall, by a written release or agreement, to be filed in the office of the town clerk of said town, consent that one-half of such width may extend upon their lands respectively.

§ 5. This act shall be in force from and after its passage.

APPROVED Feb. 11, 1857.

In force Feb. 7,
1857.

AN ACT to locate a state road therein named.

Commissioners to
locate.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Joseph K. Lewis, William Jayne and Moses K. Anderson, be and they are hereby appointed commissioners to view, mark and locate a state road from the western termination of Jefferson street, in the city of Springfield, in the county of Sangamon, to the bridge across Spring creek on the Beardstown road.

Commissioners
performing their
duty.

§ 2. The said commissioners, or any two of them, shall before entering upon the duties assigned them by this act, take an oath before some justice of the peace of Sangamon county, faithfully to discharge the duties required of them by this act, and shall proceed to view, mark and locate said road eighty feet wide on the nearest and most eligible route.

Report

§ 3. Upon such location being made, the said commissioners, or any two of them, shall make a report of the same, accompanied by a plat of said road, to the county court of Sangamon county, and said road shall be thereupon opened by said commissioners, and kept in repair in the same manner that other state roads are.

Damages, how
assessed.

§ 4. In estimating and assessing damages for the right of way, said commissioners, or any two of them, shall be governed by the provisions of the XCII chapter of the Revised

Statutes of 1845, entitled "Right of Way." The opening of said road shall not be delayed by or on account of any appeal which may be taken from the assessment of damages under this act, but the said commissioners, or any two of them, shall immediately proceed to open said road.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 7, 1857.

—

AN ACT to prevent the sale of spirituous liquors and other articles of traffic at or near agricultural fair grounds. In force April 14, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That no person shall keep any shop, booth, tent, wagon or other carriage, vessel or boat, for the sale of spirituous or other liquors, or any provisions, or any article of traffic whatever, or sell, or expose to sale, give, barter, or otherwise dispose of, in or near any such shop, booth, tent, wagon, or other carriage, vessel or boat, or in any other way or place, any spirituous or other liquors, or any provisions, or any article of traffic whatever, at or within the distance of two miles from the place where any agricultural, horticultural or mechanical society or people are collected, holding any agricultural, horticultural or mechanical fair or public exhibition; nor shall any person within the distance aforesaid exhibit any shows or plays, unless the same shall have been duly authorized by the proper authority, previous to the commencement of such exhibition; nor shall any person, within the distance aforesaid, promote, aid or be engaged in any racing of animals, or in any gaming of any description; nor shall any person obstruct the free passage of any highway or traveled road within the distance aforesaid: Provided, that nothing in this act shall affect tavern keepers, distillers or others, exercising their calling at their usual, legitimate places of doing business, nor any person who shall have a written permit from the president of such agricultural, mechanical or horticultural society to sell bread or other provisions for the supply of persons attending such fair or exhibition, their horses or cattle, such persons conforming to all regulations of said society and the laws of the state.*

Spirituous or other liquors not to be sold or given away.

Distance from fair ground.

Shows or plays prohibited.

Provide.

Permit

Penalty for violation.

§ 2. That any person who shall be guilty of a breach of this act shall be notified by any one of the officers hereby authorized to make an arrest or seizure, or by any person, that he, she or they are violating the law, and if after such

Court or justice
of peace.

notice any such person shall continue in such violation, he, she or they shall forfeit and pay for every such offence any sum not less than five nor more than fifty dollars to the society holding such fair or exhibition, to be recovered before any justice of the peace or court having jurisdiction of the prosecution; and any judge of the circuit or county court, sheriff, coroner, justice of the peace or constable of the proper county shall, upon view or information, and without warrant, apprehend any person so offending, and seize such booth, tent, wagon or other carriage, vessel or boat, spirituous or other liquors and other articles of traffic, and convey the same to a place of safe keeping, and take the said persons before any convenient justice of the peace having jurisdiction, together with an inventory of the things so seized, and the justice of the peace, upon complaint, or oath, or affirmation of any competent witness, shall issue his warrants, which the said officer or constable shall have authority to serve, and cause the said offender to be arrested, and proceed forthwith to inquire into the truth of the accusation, and if found true shall enforce the penalty of this act.

Justice's duty.

Fine.

§ 3. If the accused shall fail to pay such fine as said justice of the peace shall inflict, together with all costs of proceedings, including the necessary expense of such seizure, the said justice of the peace shall forthwith issue an execution, commanding any constable of the county in which such inquiry shall be had, to make the said fine, costs, necessary expenses, and costs of execution by sale of so much of the things so seized and of so much of the other property of the accused as shall be necessary therefor, and to make return thereof in ten days thereafter, and the overplus of the things so seized as aforesaid, after the satisfaction of said execution, shall be delivered to the defendant, on demand.

How made.

Overplus.

Duty of officers.

Ca. sa.

§ 4. In case the officer to whom said execution shall be delivered shall be unable to find sufficient property of such defendant to satisfy such execution, such agricultural or other society, upon affidavit of any of its officers, shall be entitled to a *ca. sa.* against the body of the defendant as in other cases. The defendant in any suit under this act shall have the right of trial by jury as in other cases under the laws of this state.

§ 5. This act is hereby declared a public act.

APPROVED Feb. 13, 1857.

AN ACT to locate a state road therein mentioned.

In force Jan. 29.
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Woods and Joseph Smith, of Adams county, and Moses Decker, jr., of Pike county, be and they are hereby appointed commissioners to view, mark out and locate a state road, of the usual width, commencing at or near the southeast corner of Beverly township, in the county of Adams, at or near a point where the main Quincy and Griggsville road crosses the line between Adams and Pike counties, running thence due west on or as near the county line between said counties as may be practicable for the favorable construction of such road, to terminate at or near the east end of the Snycarty plank road, in Pike county.

Commissioners
appointed, their
duty.

§ 2. The said commissioners shall meet at the dwelling house of James Woods, on or before the first Monday of April next, or so soon thereafter as may be practicable, for the performance of the duty herein assigned them, and shall be and are hereby empowered to employ a surveyor and such chainmen and axemen as may be necessary for the location of said road, who shall perform the duty required of them by said commissioners, and shall receive such compensation or per diem allowance as said commissioners shall certify they are justly entitled to.

Commissioners
to meet, for
their duty.

§ 3. Said surveyor shall make out a correct plat or survey of said road, a true copy of which, duly certified by him, shall be filed by said commissioners, together with a report of their action in the premises, with the clerks of the county courts of the counties of Adams and Pike, who shall enter the same of record in their respective offices; after which said road, or as soon thereafter as said commissioners shall open the same, shall be worked and kept in repair as other state roads.

Plat recorded.

§ 4. Said commissioners are hereby vested with full power and authority to do all acts and things necessary to open said road in conformity to this act, and when opened the same shall not be altered or changed by the board of supervisors or road commissioners of either of the counties of Adams or Pike.

Commissioners
to open road.

§ 5. Should any damages be claimed by any person or persons in consequence of said road passing over his, her or their land or premises, the same shall be assessed and paid in the manner provided by law: *Provided*, that after the assessment of said damages, the opening of said road shall not be hindered or delayed.

Damages, how
paid.

§ 6. The damages arising out of or by reason of said road passing over lands situated in the county of Pike shall be paid out of the county treasury of said county, upon the order of the board of supervisors thereof, and the dam-

Damages to be
paid by counties
respectively.

ages arising out of or by reason of said road passing over lands situated in the county of Adams shall be paid out of the county treasury thereof, upon the order of the board of supervisors of said county.

Compensation,
how paid.

§ 7. Said commissioners shall receive as a compensation for their services three dollars per day, which shall be equally paid out of the county treasuries of the counties of Adams and Pike, together with the amount which they may certify to be due to such person or persons as they may employ in or about the location, survey or opening of said road, it being the true intent and meaning of this act that each of said counties shall pay one-half of the expenses arising from or out of the location, surveying, opening and establishment of said road.

§ 8. This act to take effect and be in force from and after its passage.

APPROVED Jan. 29, 1857.

In force February
5, 1857.

AN ACT to legalize certain roads in certain towns therein named.

Certain roads be-
clared highways

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all roads in the townships of Belvidere and Flora, county of Boone, and state of Illinois, surveyed, located, platted by and under the direction of the highway commissioners of said townships, in the year eighteen hundred and fifty-six, are hereby declared public highways.

Record to be
evidence.

§ 2. And that the record kept in the office of the clerks of said towns shall be evidence of the locations and establishing of said roads or highways in all courts having jurisdiction of subject matters that may at any time or in any manner arise in reference to the said highways.

Roads vacated.

§ 3. And that all roads and parts of roads, in said towns, heretofore declared vacated by said commissioners, be and the same are hereby vacated.

May be relocated.

§ 4. And that said roads established by this act shall be subject to alterations, relocations and vacations, by the highway commissioners of said towns, as other roads now are or may hereafter be.

§ 5. This act to take effect from and after its passage.
APPROVED Feb. 5, 1857.

AN ACT to review and reopen a certain state road therein named.

In force Feb. 31,
1857.

SECTION 1. *Be it, enacted by the people of the state of Illinois, represented in the General Assembly,* That William H. Hawkins, George F. Buck and George McCollum, of the county of Kane, are hereby appointed commissioners to review, relocate and establish a part of the state road leading from the town of Aurora, in said county, to Sycamore, in DeKalb county, beginning at the west end of Main street, in the town of Aurora, on the east bank of Fox river; thence westerly across Fox river to the east end of Galena street, at or near the Fox River House, in West Aurora; thence westerly to the west line of Kane county. The said commissioners, or a majority of them, shall meet at the town of Aurora, on the first Monday of April next, or as soon thereafter as may be, and after being sworn before some officer authorized to administer oaths faithfully and impartially to perform the duties required of them by this act, shall proceed to view and relocate the said road from the points described in this act.

Commissioners
to locate.

Aurora

Kane county

Commissioners
to swear.

§ 2. The said commissioners shall cause the said road to be surveyed and [a] plat thereof made, and file said plat in the office of the county clerk for the county of Kane. As soon as said survey and plat shall have been filed as aforesaid, it shall be the duty of the said clerk to notify the commissioners of highways of the several townships through which said road shall run; and the said commissioners of highways shall cause the said road to be opened four rods wide and be kept in repair as other public roads.

Survey and file
plat.

Clerk's duty

§ 3. If any person, over whose land said road shall run, shall claim damages, it shall be the duty of said commissioners, when making their view and relocation, to assess such damages and report the same to the clerk of the county court of said county of Kane; and it shall be the duty of the board of supervisors of the said county to cause said damages to be paid out of the county treasury of said county: *Provided*, in assessing such damages the said commissioners shall take into consideration the advantages such owner or owners of such land may derive from the relocating of such road: *Provided further*, that no person shall be entitled to any damages in consequence of the nonuse of said road or any part thereof.

Damages.

How paid

Provide.

§ 4. Any person feeling themselves aggrieved in consequence of the damages, shall have a right to take an appeal to the circuit court for the county of Kane, if application for such appeal be made within twenty days from the filing of the report of the commissioners aforesaid with the clerk of said county court, and also by filing a bond, to be approved by said clerk, conditioned to pay all costs in such appeal, in case such damages shall not be increased on the trial of said appeal.

Appeal.

Commissioners,
how paid.

§ 5. The board of supervisors of the county of Kane shall make a fair and reasonable allowance to the commissioners and every person employed by them in surveying, platting and relocating said road, to be paid out of the county treasury of said county.

Act repealed.

§ 6. All acts and parts of acts coming within the purview or in conflict with this act are hereby repealed.

This act to be in force from and after its passage.

APPROVED Feb. 13, 1857.

In 1857, Feb. 15, AN ACT to amend the laws in relation to the public institutions at Jacksonville.

Inmate, number
trustees.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the number of trustees of the Illinois State Hospital for the Insane is hereby reduced to six, of whom no two shall be residents of the same county. The trustees hereafter appointed, whether to fill vacancies or otherwise, shall be divided into two classes of three in each; those composing the first class shall be appointed for four years, and those composing the second class shall be appointed for two years; and the successors in each class shall be appointed for four years.

Two classes.

Deaf and dumb,
number directors.

§ 2. The number of directors of the Illinois Institution for the Education of the Deaf and Dumb are hereby reduced to six, exclusive of the principal, who shall, *ex-officio*, continue to be a member of said board. The said directors shall be divided into two classes of three in each; those composing the first class shall be appointed for four, and those of the second class shall be appointed for two years; and the successors in each class shall be appointed for four years, no two of whom shall be residents of the same county.

Two classes.

Blind trustees,
two classes

§ 3. The trustees of the Illinois Institution for the Education of the Blind shall be divided into two classes, of three in the first and two in the second class; those composing the first class shall be appointed for four years, and those composing the second class shall be appointed for two years; and the successors in each class shall be appointed for four years. No two of said trustees shall be residents of the same county.

Expenses, how
paid.

§ 4. The said trustees and directors shall each be paid his traveling and personal expenses going to and returning from meetings of said board; payments to be made out of the funds of said institution, on order of the board, respectively.

§ 5. No member of either of said boards shall be employed or appointed in or to any office or place under the authority of the board of which he is a member; nor shall any member of said board be directly or indirectly interested in any contract to be made by said board for any purpose whatever.

Members of
boards not to
hold other office.

§ 6. The office of steward, in each of said institutions, is hereby abolished; and the duties of that office shall be discharged by clerks to be employed by said respective boards, on the recommendations of the principal thereof: *Provided*, that no such clerk shall be employed unless, in the opinion of the board, the business of the institution requires the same.

Office of steward
abolished.

§ 7. The accounts of each of said institutions shall be so kept and reported as to show the kind, quantity, cost and of whom bought, every article purchased for the use thereof.

Accounts, how
kept.

§ 8. The biennial reports required to be made to the legislature by the trustees and directors of said institutions shall be prepared and printed, under the direction of the board, respectively so as to furnish printed copies thereof to the governor ten days before each regular session of the general assembly, and to furnish twenty-five copies to each member of the general assembly during the first week of the session.

Reports, how
prepared.

No. of copies.

§ 9. Appropriations made to or for the said institutions shall always be payable upon orders of the respective boards, on their accounting for money previously received, as now required by law.

Appropriations,
how payable.

§ 10. In all cases where the parents of pupils sent to the institution for the education of the deaf and dumb, and the education of the blind, are too poor to furnish them with good and sufficient clothing, or where said pupils are without parents and unable to furnish themselves with such clothing, the judge of the county court of the county from which they are sent shall certify the same to the principal, who shall procure such necessary clothing and charge the same to said county, and present the account, with the vouchers, to the auditor of public accounts, who thereupon shall draw upon the county treasurer for the amount so charged to the county; and the said county shall annually assess and collect by tax the amount necessary to pay said order or orders; and if said county shall fail so to do the circuit court in said county shall, on application therefor, compel the same by mandamus.

Poor pupils.

How provided
with clothing.

§ 11. All laws and parts of laws inconsistent with this act are hereby repealed.

How paid for.

§ 12. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 13, 1857.

In force Feb. 18, 1857. AN ACT to provide for laying out and establishing a certain state road in the county of Kendall.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Lewis Steward, Levi G. Gorton and Reuben Hunt be and they are hereby appointed commissioners, and they or a majority of them, after having subscribed an oath before some justice of the peace or other person authorized by law to administer an oath, faithfully to perform the duties required of them by this act, are hereby authorized and required before the 1st day of September next, to proceed together and view, locate, stake, survey and establish a state road, commencing at the west end of the bridge across Fox river, at Osage, in the county of Kendall; and thence running along or near to the established line between the lands of Charles Roberts and those formerly owned by Samuel Roberts, on the nearest practicable line, to Bristol station, on the Chicago, Burlington and Quincy railroad, having due regard to the fitness of the ground, and avoiding all orchards, gardens, buildings, or door yards on the route, with authority to extend said road to the village of Plano, in said county, if they shall find that the public convenience and the inhabitants of said village require it.

§ 2. For the services rendered under this act each of said commissioners shall be entitled to one dollar and a half per day; the surveyor two dollars per day, and every other person employed by said commissioners, under this act, one dollar per day for each entire day by him employed under this act, and for all fractions of a day at a similar rate.

§ 3. The said commissioners shall have authority to employ a surveyor and such other persons as may be necessary for the locating and establishing of said road; they shall also keep an accurate account of the time employed by each person engaged in the location and establishing of said road, which shall be certified to by said commissioners, under their hands, and returned and filed with the clerk of the county court of said county, who shall issue certificates to the several persons for the amounts due to them respectively.

§ 4. Said commissioners, after having established said road, shall report their proceedings, accompanied by a plat and survey of said road, to the board of supervisors of said county, and shall file the same with the clerk of the county court of said county, together with all releases, agreements or assessments of damages; and which report shall be duly recorded by said clerk; and which report or the record or certified copy thereof shall at all times and in all places be held as evidence of the proper establishment of said road under this act.

§ 5. The said commissioners, before proceeding to locate and establish said road over any lands, shall give notice to the owner or person in possession thereof, if the owner thereof shall be known, or the premises shall be occupied; which notice may be personal or by letter mailed to said owner to his proper post office address, when last heard from. And if the owner of any such premises or the guardian of any minor owner or duly authorized agent shall appear and claim damages, the said commissioners shall agree with them as to the amount of the same; but if said owners shall not appear or release their damages, or said commissioners cannot agree with them as to the amount of damages, the said commissioners shall assess the same; and in all such assessments they shall only assess the amount of damages which they shall find that the owner thereof shall sustain by the establishing and construction of said road over said premises, after deducting the benefits arising to such owner from the construction of said road.

Notice to be given to owners of lands, &c.

Damages.

How assessed.

§ 6. All releases or assessments of damages or all agreements in relation thereto shall be reduced to writing and returned and filed in the office of the clerk of the county court; and any party who may consider himself aggrieved by any assessment of damages may appeal to the circuit court of said county at any time within twenty days after the filing the same with the clerk of the county court, upon filing with said clerk a bond to the board of supervisors of said county, in a sufficient sum to cover all costs, with security, to be approved by the clerk of said county court, and conditioned for the payment of all costs in said cause, in case said appeal shall not be sustained by the circuit court. In the trial of said appeal the only question which shall be entertained and tried by said court shall be the sufficiency of damages; and upon trial the court shall render judgment for such amount as shall be found due; but if the amount of damages shall not be increased the person appealing shall pay all costs; and in all cases of appeal the clerk of the county court, upon presentation of the certificate of the clerk of the circuit court of said county, of the amount of damages so found due in said cause, shall issue an order to the party entitled thereto; and in all other cases the said clerk of the county court, after the expiration of twenty days from the filing of such assessments and agreements, shall issue a certificate for the amount due to the respective persons by said assessments or agreements, which shall be paid by the county treasurer as in other cases.

Releases &c., reduced to writing and filed.

Appeal.

Bond given.

Trial by circuit court.

Question.

Damages.

Certificate.

County treasurer to pay.

§ 7. It shall be the duty of the highway commissioners and overseers of highways having charge and jurisdiction over said road to cause the same, within their respective districts, to be opened and worked as other highways.

Road to be opened.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

to be approved 16, 1857. AN ACT to relocate a part of the state road leading from Shelbyville, in Shelby county, to Danville, in Vermilion county.

County and Vermilion counties

WHEREAS it is represented to the general assembly that a plat and survey of all that part of the state road leading from Shelbyville, in Shelby county, to Danville, in Vermilion county, located under an act entitled "An act to locate a state road from Shelbyville, in Shelby county, to Danville, in Vermilion county," has never been filed in the clerk's office of the county commissioners court of Edgar county, through which said road runs, in pursuance of said act, or if filed has been lost and cannot now be found;

That part in Edgar county established.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of said road as runs through the county of Edgar be established and located as now traveled, and that the county surveyor of said county of Edgar shall cause a true and accurate map and survey of all that portion of said road in said county to be made out and deposited in the clerk's office of the county court of said county of Edgar, and that the same be made a record of said court.

County surveyor's duty.

Expenses how paid

§ 2. The said county surveyor, with the chain carriers and such other assistants as he may require, shall be paid for their services under this act, out of the county treasury of said county of Edgar, such sum as may be deemed just and equitable by the proper authorities of said county.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

to be approved Feb. 13, 1857.

AN ACT to vacate part of a state road therein named.

Road vacated.

[SECTION 1.] *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of a state road from Enterprise, in La Salle county, to Knoxville, in Knox county, laid out under an act in force March 2d, eighteen hundred and thirty-seven, as lies in township No. fifteen north, range eight east of the fourth principal meridian, known as Indian town, in Bureau county, be and the same is hereby vacated; and so much of said act as authorized the laying out of a state road in Indian town (15 N., R. 8 E. 4 P. M.) is hereby repealed.

Act repealed

This act to take effect and be in force from and after its passage.

APPROVED Feb. 13, 1857.

AN ACT to enable the auditor to sell certain state lands.

In force Feb. 13,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby authorized and required to sell to Godfrey Lambert the east half of the southwest quarter of section thirty-two, in township thirty north, range twelve west; to Jacob Shuck the southwest quarter of the southwest quarter of section seven, in township twenty-six north, range twelve west, and to Jerome Lebounte the northwest qr. southeast qr. sec. eight, in township twenty-eight north, range thirteen west; all of the second principal meridian line. Auditor to sell land.

§ 2. Upon the payment of the amount for each of the aforesaid tracts, at the rate of three dollars and fifty cents per acre, the auditor shall issue his certificate to the person so paying, which shall entitle him to a patent for the land therein described: *Provided*, that such payment be made within sixty days from the passage of this act. This act to be in force from and after its passage. Issue certificate.

APPROVED Feb. 13, 1857.

AN ACT to vacate a part of a certain state road leading from Peru, in La Salle county, to Grand De Tour, in Ogle county. In force Feb. 14,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of a certain state road leading from Peru, in La Salle county, to Grand De Tour, in Ogle county, as lies within the following limits, to wit: beginning at the point of intersection of said road with the Chicago and Dixon road, on the north side of Inlet Grove, in Lee county; thence north-westwardly to the point where said road intersects an east and west road leading to Dixon, and laid on the section line on the north side of section number fourteen, in township number twenty-one, of range number ten east of the fourth principal meridian, be and the same is hereby vacated. Vacated.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 14, 1857.

in force Feb. 17, 1857. AN ACT to amend "An act to create and organize the counties therein named," approved Jan. 15, 1831, and also to amend an act entitled "An act to confirm certain ferry privileges to the county of Bureau," approved Feb'y 3d, 1843.

Ferry franchises vested in the town of Hennepin.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the ferry franchises in township 15 north, range number 10 east of the 4th principal meridian, in the town of Leeper-town, in the county of Bureau, which have heretofore been granted to the county of Bureau, and in the town of Hennepin, and heretofore granted to the county of Putnam, be and the same are hereby declared to be vested in the corporation of the town of Hennepin.

Trustees of town to enjoy all the rights and be subject to all liabilities.

§ 2. That the trustees of the town of Hennepin shall possess and enjoy all the ferry boats, skiffs and other property pertaining to said ferry, and shall be entitled to all the rights, privileges and immunities, and to prosecute all causes of action, and shall pay all the obligations and answer for all the liabilities which now belong to or are imposed upon said counties or either of them for or on account of said ferries, or the acts herein named: *Provided*, that the consent of the board of supervisors of said counties respectively shall be obtained thereto.

Provision of 42d chapter of the Revised Statutes to be complied with.

§ 3. But said trustees shall keep or cause to be kept a good and suitable ferry across the Illinois river at the said town of Hennepin, and the keeper or keepers of said ferry shall have all the rights and incur all the liabilities which are granted to or imposed on every keeper of a ferry by the provisions of the forty-second chapter of the Revised Statutes.

Rates of ferriage.

§ 4. The rate of ferriage for crossing said ferry shall be fixed by an ordinance of said trustees: *Provided*, that no higher rates shall at any time be charged than those now established.

Jurisdiction of highways given to the town of Hennepin.

§ 5. That the said county of Bureau and the town of Leeper-town are hereby released from all liabilities to repair and maintain the highway now constructed and traveled from where the bridge crosses the Bureau creek, near the "Bureau Valley Mills," to the Illinois river, at Mt. Hennepin, and exclusive jurisdiction of said highway is hereby granted to the town of Hennepin: *Provided*, that nothing in this act shall affect the rights of the lessees of said Putnam and Bureau counties: *And provided*, that the legislature may at any time hereafter alter, amend or repeal any of the foregoing provisions.

Act repealed.

§ 6. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

§ 7. This act shall be enforced from and after its passage.

APPROVED Feb. 17, 1857.

AN ACT to enable the auditor of public accounts to settle and adjust the accounts of Thomas M. White with his securities. In force Feb. 12, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby authorized and required to settle and adjust the accounts of Thomas M. White, a former collector of revenue of the county of McHenry, with the securities of said White; and upon the payment by the said securities of the entire amount of principal of the debt against said White, as such collector, that all interest and damages on account of the delay in such payment be and the same is hereby remitted and released as against such securities; and if, on such settlement, it should appear that any of such damages or interest has been collected of said securities, either by the sale of property or otherwise, that he refund the same by warrant on the treasurer. Auditor to adjust

§ 2. This act shall apply to such only of said securities who shall aid or who have aided in the payment of the debts and interest aforesaid, in proportion to the amounts paid by them Securities who have paid

§ 3. This act shall not be so construed as to release the said Thomas M. White from the full amount of principal, interest and damages, but the same shall stand good and valid and may be collected of and from him the same as though this act had not been passed. White not released.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT for the relocation of the county seat of Mercer county. In force April 20, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That an election shall be held in the several townships, at the usual places of holding elections, in the county of Mercer, on the first Monday in the month of August next ensuing; at which election the legal voters of said county shall vote for and against the removal of the seat of justice of said county from the town of Keithsburg to the town of Aledo. Election held.

§ 2. The judges and clerks of elections in said county shall attend on the day of said election and conduct the same according to law, and shall make returns thereof to the county clerk in the same manner as they are now required to be made at general elections. Vote for or against.
Election, how conducted.

Returns, made	how	§ 3. When the returns are made to the county clerk the same shall be opened and counted as other returns are required by law to be opened and counted; and the said clerk shall spread the final certificate thereof at large on the records of the county court and forward a copy thereof to the secretary of state. If it shall appear that a majority of the voters of said county, at said election, are in favor of the removal of said seat of justice to Aledo, then Aledo shall be and remain the permanent seat of justice of said county: <i>Provided</i> , that if the number of votes cast at said election shall be less than the number at the last general election, cast in said county, then a majority in favor of such removal shall be deemed to mean a majority of the number of votes cast at said general election.
Clerk's duty.		
Aledo		
Provision		
Nature given		§ 4. The county clerk shall issue notices of said election at least thirty-five days before said election, and deliver the same to the sheriff of said county, who shall within ten days thereafter post up the same at three of the most public places in each township or election district in said county.
In case vote for removal.		§ 5. In case the election herein authorized shall be decided in favor of removing the said seat of justice to Aledo, it shall be the duty of the board of supervisors, at their next meeting, after said election, or as soon thereafter as may be, to erect or procure suitable buildings for the public officers of the county, and also a suitable place for holding courts in Aledo; and when such buildings are erected or procured the officers, records and furniture of said county shall be removed to Aledo, and the circuit and county courts shall be held there.
County buildings to be erected.		
Removal		
Payment of election, how paid.		§ 6. The election herein authorized shall not be held unless the proprietors of said town of Aledo shall at least forty days before the time fixed for said election pay into the county treasury of said county such sum of money as shall in the opinion of the treasurer or county clerk be necessary to defray all the expenses of said election; and the same shall be by said treasurer receipted for to said proprietors, and such payment immediately certified to the county clerk; and on such payment notices shall be issued and given and said election held as provided by this act.

APPROVED Feb. 14, 1857.

AN ACT to reimburse Richard M. Young for moneys advanced and losses sustained as agent of the state of Illinois for the negotiation and sale of Illinois and Michigan canal bonds and the payment of interest on canal bonds, in the years 1839 and 1840. In force Feb. 14, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the sum of twenty-five hundred dollars be and is hereby appropriated to Richard M. Young, as principal, for moneys advanced and losses sustained by him in paying interest on Illinois and Michigan canal bonds, in the city of New York, in the year 1840: *Provided*, the amount herein allowed shall be taken as a full compensation for all demands of the said R. M. Young against the state of Illinois.

TO R. M. Young
for losses, &c.

§ 2. That the auditor of public accounts be and he is hereby authorized to draw his warrant upon the treasurer for the above amount, to be paid out of any money in the treasury, or which may be hereafter received, and not otherwise appropriated. Auditor to draw warrant.

§ 3. This act shall be deemed a public act and take effect and be in force from and after its passage.

APPROVED Feb. 14, 1857.

AN ACT to create the county of Holmes and for other purposes therein named. In force Jan. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all that portion of Champaign and Vermilion counties lying within the following boundaries, and described as follows, to wit: beginning at the northeast corner of township twenty-three (23) north, range fourteen (14) west, and running thence west on the north line of Vermilion county to the northeast corner of township twenty-three (23,) range nine (9) east; thence north to the northeast corner of section twenty-four, township twenty-five (25) north, range nine east; from thence west to the northwest corner of section nineteen (19,) in township twenty-five (25) north, range seven east; running thence south on the west line of Vermilion and Champaign counties to the southwest corner of township twenty-two (22) north, range seven (7) east; from thence east on the township line between townships twenty-one and twenty-two to the southeast corner of township twenty-two (22) north, range fourteen (14) west; and from thence north to the place of beginning; including, also, all that portion of Vermilion county lying north of the boundaries hereinbefore described and being Boundaries

Proviso

within range nine (9) east of the third principal meridian, be and the same is hereby created into a new county, to be called the county of Holmes: *Provided*, that a majority of all the legal voters of the said counties of Champaign and Vermilion, voting on the question, shall vote for the same, at an election to be held in manner hereinafter prescribed.

Election.

§ 2. The qualified voters of said counties of Champaign and Vermilion may, at a special election, to be held in the several towns or precincts in said counties on the first Tuesday in April next, vote for or against the creation of said new county of Holmes, by ballot, upon which shall be written or printed or partly written and partly printed the words "for the new county" or "against the new county."

Notice.

§ 3. The clerks of the county courts of the counties of Champaign and Vermilion shall give notice of said election in the several election districts of said counties in the same manner as notices of general or special elections are given in counties which have not adopted township organization

Judge's and clerk's duty.

as nearly as may be; and the judges and clerks of election in the several election districts of said counties of Champaign and Vermilion shall keep a list of the votes polled at said election and conduct the same in all respects, and make return thereof to the clerks of the county courts of their respective counties in the same manner as is provided by law for general elections. Vacancies in the board of election shall be filled in the same manner as is provided by law in other cases. The said clerks of said county courts shall within seven days after said election proceed to canvass the returns of said election in the same manner as in general elections. The clerk of the county court of Champaign county shall make return of the votes of said county to Richard Claypool and Michael Hoffman, citizens of said county; and the clerk of the county court of Vermilion county shall make return of the votes of said county of Vermilion to Richard Bryan and Gideon Camp, of said county, in each case within six days after the same have been canvassed, and each of said clerks shall also within ten days make return of said votes to the secretary of state.

Returns, to whom made.

Voters in Champaign not voting for.

Vermilion county voting for.

And be it further enacted, that in case a majority of all the legal voters of Champaign county, voting at the election in the second section in this act provided for, shall not vote in favor of the new county of Holmes, and a majority of all the legal voters of Vermilion county, voting at said election, shall be in favor of said new county, then and in that case the said county of Holmes shall be and the same is hereby erected out of all that portion of Vermilion county mentioned and described in the first section of this act; when and in which case all that portion of this act which relates to the county of Champaign shall be of no effect,

and all duties required by this act of the clerk of the county court of Champaign county, or any officer of said county, shall be performed by the clerk of the county court of Vermilion county or other proper officer of said county.

Duty of county clerk.

§ 4. If it shall appear that a majority of all the voters in each of the counties of Champaign and Vermilion, voting upon the question, have voted in favor of the creation of the new county of Holmes, then there shall be held a special election in the several towns and precincts within the limits in this act described for said new county of Holmes, on the first Monday in June next, for county officers. In case of fractional towns or precincts, which have become detached by the boundaries of the new county, the voters thereof may, at the first election for county officers, vote within such town or precinct within the new county as they deem most convenient. The said election shall be conducted by the judges of election then in office under appointment or election in the counties of Champaign and Vermilion, and at the place of holding the last general election. In case of vacancy in the board of election or nonattendance, said vacancy or place of any absentee shall be filled in the same manner as is provided by law in other cases of elections; at which election the qualified voters of said county of Holmes shall elect all county officers for said county, except such as are hereinafter excepted, who shall be commissioned and qualified in the same manner as such officers are in other counties in this state, and who shall continue in office until the next general elections for such officers and until their successors are elected and qualified, and who shall have all the jurisdiction and perform all the duties which are or may be conferred upon such officers in other counties of this state.

Special election for county officers.

How conducted

Vacancy.

County officers.

Term of office.

§ 5. All the justices of the peace, constables or other town or precinct officers, who have been heretofore elected and qualified in the counties of Champaign and Vermilion, whose term of office shall not have expired at the time of said election, and whose residence shall be embraced within the limits of the new county of Holmes, shall continue in office until their term of office shall expire and until their successors shall be elected and qualified.

Justices and constables continued.

§ 6. The voters at such election for county officers shall also vote upon the question of township organization, and the same shall, in that respect, be conducted and returns made as near as may be in accordance with the existing laws upon that subject. If it shall appear that a majority of all the voters of said new county shall have voted for township organization it shall be the duty of the county court of said county of Holmes to proceed at once to lay off said county into towns, having due regard for the wishes of the inhabitants in that respect. Said county court shall

Township organization vote to be taken.

Towns.

Officers to be elected.	also order town meetings to be held in the several towns in said county, within a reasonable time after said county shall be laid off into towns; at which town meetings all town officers required by law shall be elected, including justices of the peace and constables; and the officers then elected shall hold their offices until the next general or regular election or town meeting for the election of such officers and until their successors are elected and qualified:
Proviso.	<i>Provided</i> , that in cases where justices of the peace and constables have been elected within the limits of such towns before the division of said new county of Holmes into towns and whose term of office shall not have expired and whose residence shall be at the time in any of such towns, such justices and constables shall continue in office as provided by this act, and only such additional justices and constables shall be elected in the several towns as may be necessary to make up the number allowed by law in each township. Whereupon said county of Holmes shall become
Township places in force.	subject to all the laws in force at that time or thereafter to become in force on the subject of township organization; but in case said county shall not adopt township organization then it shall be subject to all the laws of this state in force where such organization has not been adopted.
County seat.	§ 7. For the purpose of fixing the permanent location of the county seat of said county of Holmes, the voters of said county shall at said election for county officers vote for some place, to be designated upon their ballots, for a county seat; upon which ballots shall written or printed, or partly written and printed, "for county seat, ———;" after which words shall be written or printed the name of the place intended for the county seat. The place receiving a majority of all the votes polled or cast upon the question shall be the county seat of said county of Holmes; but if no one place shall receive a majority of all the votes polled or cast upon the question then it shall be the duty
Vote.	of the county court of said county to call another election, within thirty days thereafter, at the several places of holding elections in said county; at which election the voters of said county shall proceed to vote as before, but shall choose from the two places having the highest number of votes at the former election; and the place having the majority of all the votes cast at the second election shall be the permanent county seat of said county of Holmes.
Majority.	
Another election.	
Notice of election.	§ 8. Notices of said election for county officers shall be given by the clerk of the county court of Champaign county in the same manner as in case of general elections. Said notices shall specify that a vote will be taken on the subject of adopting township organization and upon the location of the county seat. The returns of said election for county officers shall be made to said clerk of the county
What contains. Returns.	

court of Champaign county, who shall cause the same to be opened and canvassed and returns thereof made in the same manner as is provided by law in other cases.

§ 9. All suits and prosecutions that have been or may be commenced in said counties of Champaign and Vermilion, including all proceedings in the county courts of said counties, in matters of probate, before the organization of said county of Holmes, shall not be affected by this act or the operation thereof; but all such suits, prosecutions and proceedings shall be prosecuted and conducted to their final termination in said counties of Champaign and Vermilion; and the officers of said counties are hereby authorized to execute all writs that may be necessary for the completion of said suits, prosecutions or proceedings within the limits of said county of Holmes; and all judgments that may have heretofore been obtained or that may hereafter be obtained under the provisions of this section shall have the same lien upon all property within the limits of said county of Holmes as if the said territory had not been erected into a separate county.

Suits pending in circuit and county courts, how prosecuted

Writs.

Lien.

§ 10. As soon as the county officers shall have been elected and qualified, the county of Holmes shall be considered organized. The oath of office may be administered to the several county officers by any person within the limits of the new county authorized by law to administer oaths; and as soon as said county is organized the clerk of the circuit court shall give notice thereof to the judge of the eighth judicial circuit, who shall hold court at such place in said county as the county court thereof shall designate until the county seat shall become permanently located, as herein provided; which court shall be holden at such times as the judge of said circuit shall appoint, until otherwise provided by law.

County organized

Oath of officers.

Clerk to give notice.

Court to be held.

§ 11. The school funds, if any, in the hands of the school commissioners of the counties of Champaign and Vermilion, belonging to the several towns or parts of towns coming within the limits of the county of Holmes, shall be by said commissioners paid over to the school commissioner of the said county of Holmes as soon as demanded.

School funds.

§ 12. The county court of said county of Holmes, or board of supervisors, if said county should adopt township organization, shall at some term of said court or meeting of said board, either regular or special, by an order, to be entered upon their records, appoint some competent person a commissioner for the purpose hereinafter expressed, who shall take an oath of office before some officer of said county authorized by law to administer oaths. Said county court or board of supervisors shall at the same time provide a sufficient number of well bound blank books and deliver the same to said commissioner, who shall receipt the same

Commissioners to be appointed.

Oath.

Books.

Transcribe deeds,
&c.

Compensation.

to the clerk of the county court, and as soon as the same shall be delivered to said commissioner he shall record in each book a copy of the order of his appointment and oath of office, and shall thereupon proceed to transcribe into such books all such deeds, mortgages and title papers, of every description, with the acknowledgments and certificates in relation thereto of lands lying in the county of Holmes, which have been recorded or may hereafter and before the organization of said county of Holmes be recorded in the recorder's office of the said counties of Champaign and Vermilion. Such commissioner shall be allowed by said county court or board of supervisors such sum as his services shall be worth, to be paid out of the county treasury. Said commissioner shall note at the end of each paper he shall transcribe the book, page and county from which the same was transcribed, and shall make a correct double index thereto.

Return books.

Copies made evi-
dence.

§ 13. When said commissioner shall have completed his work he shall make return of said books to the clerk of the circuit court of said county of Holmes; whereupon they shall be taken and considered, to all intents and purposes, as books of record of deeds, mortgages and title papers, for said county of Holmes; and copies of said records, certified by the officer having the custody of the same, shall be evidence in all courts and places, in the same manner that deeds and title papers regularly recorded in the recorder's office are evidence, and with the same effect.

Copies of this act
to be sent.

§ 14. The secretary of state shall forthwith furnish to the clerks of the county court of the counties of Champaign and Vermilion a copy of this act, duly certified, under the seal of state.

§ 15. This act shall take effect and be in force from and after its passage.

APPROVED Jan. 31, 1857.

In force Feb. 19, 1857. AN ACT to amend "An act to authorize the formation of corporations for manufacturing, agricultural, mining and mechanical purposes," approved Feb. 10, 1849.

Companies may
sue for relief
therein.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, It shall be lawful for all companies formed and incorporated, or which shall hereafter be incorporated under the provisions of "An act to authorize the promotion of companies for manufacturing, agricultural, mining or mechanical purposes," approved February 10th, A. D. 1849, to sue for*

and collect any installment or subscription to stock due or to become due to said companies formed under said act in like manner as other debts are now collected, and before any court having jurisdiction of the amount claimed.

§ 2. This act to be deemed a public act and be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT to amend an act entitled "An act to preserve the game in the state of Illinois," approved February 15th, 1855. In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the provisions of said act shall not be construable as applicable to any warehouseman, common carrier, or other person into whose possession the animals or birds therein mentioned shall come in the regular course of his or their business for transportation or storage, whilst they are in transit through this state, from any place without this state or from any of the counties of this state excepted in said act or any other acts amendatory thereto.

Not to apply to carriers.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT to vacate a portion of a certain state road therein named. In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all that portion of a certain state road leading from Algonquin, in McHenry county, by way of Wauconda, in Lake county, to the Lake and McHenry Plank Road as lies between the public ground, in the village of Wauconda, and the Lake and McHenry Plank Road be and the same is hereby vacated.

Road vacated in McHenry and Lake counties.

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 18, 1857.

in force Feb. 18, 1857. AN ACT to amend an act entitled "An act to amend an act establishing county courts," approved Feb. 12, 1849, and extending the jurisdiction of the county courts of the counties of Lee and Whiteside.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of an act passed by this general assembly, entitled "An act to amend an act establishing county courts," approved February 12th, A. D. 1849, and extending the jurisdiction of the county courts of the counties of Lee and Whiteside, as refers to the county court of the county of Lee, is hereby repealed: *Provided*, that this act shall not be construed as to repeal or in any wise affect said act so far as the county of Whiteside is concerned.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

in force Feb. 20, 1857. AN ACT to amend an act entitled "An act to provide for reducing the state debt."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That any surplus funds which shall remain in the treasury out of the proceeds arising from the two mill tax, authorized under article 15th of the constitution, after the payment of the amount due on the principal of such bonds as may be presented on the first of January, annually, or from any other source of revenue, or from the funds now authorized to be invested in the purchase of state indebtedness, except such amount as may be required to meet interest, shall be applied and used in the purchase of indebtedness of the state bearing interest, or in the purchase of indebtedness not bearing interest, as the governor may deem for the interest of the state, in the manner and upon the terms provided for in the act entitled "An act to provide for reducing the state debt," approved Feb. 12, 1853, and an act entitled "An act to regulate payments of interest on the public debt and the purchase of state bonds," approved February 13th, 1853.

APPROVED Feb. 19, 1857.

AN ACT to locate a state road therein named.

In force Feb. 9,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James W. Keyes, N. V. Hunt and Charles W. Chatterton be and they are hereby appointed commissioners to view, mark and locate a state road from the northern termination of Fifth street, in the city of Springfield, in the county of Sangamon, to the new bridge across the Sangamon river on the Athens road.

Commissioners
appointed.

To locate.

§ 2. The said commissioners, or any two of them, shall, before entering upon the duties assigned them by this act, take an oath before some justice of the peace in the county of Sangamon, faithfully to discharge the duties required of them by this act, and shall proceed to view, mark and locate said road eighty feet wide on the nearest and most eligible route, extending the lines of said road in the same direction northwardly and with the same bearings as said Fifth street, as far as practicable and consistent with the route of the road as hereinabove stated.

To be sworn, then
duty.

§ 3. Upon such location being made, the said commissioners, or any two of them, shall make a report of the same, accompanied by a plat of said road, to the county court of said Sangamon county, and said road shall be thereupon opened by said commissioners, and kept in repair in the same manner [as] other state roads are.

Make report.

Road opened.

§ 4. In estimating and assessing damages for the right of way, said commissioners, or any two of them, shall be governed by the provisions of the XCII chapter of the Revised Statutes of 1845, entitled "Right of Way." The opening of said road shall not be delayed by or on account of any appeal which may be taken from the assessment of damages under this act, but the said commissioners, or any two of them, shall immediately proceed to open said road.

Damages, how
assessed.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 9, 1857.

A GENERAL ACT for the incorporation of county agricultural societies. In force Feb. 18,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That an agricultural society may be formed in any county of this state by the voluntary association of any number of legal voters of the same, not less than twenty, who may meet and organize for that purpose under a constitution and by-laws

Societies, how
may be formed

of their own construction, which they may alter and amend at pleasure, the use and benefit of the same to be alike free to every citizen of said county who is disposed to associate with them under the constitution and by-laws so provided, and in accordance with this act, upon such terms as may be prescribed.

Made a body corporate.

Officers.

Power to collect subscriptions.

Hold real estate.

Regulation of fairground.

Fine.

Provisions of 3d section applicable to other societies.

§ 2. Each county society thus organized may thereupon be constituted a body corporate and politic under an appropriate name, which name, together with that of the president, secretary and treasurer, shall be recorded on the books of the county clerk of the county wherein said society is located; whereupon said society shall be deemed legally constituted, and under this name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity in this state; and in said courts shall have power to sue for and collect all gratuitous subscriptions which are or may be made to such society; and may have a common seal, which they may change at pleasure; and may in their corporate name acquire, by purchase or otherwise, and hold real estate for the use and to promote the objects of the society, not exceeding in quantity at any time five hundred acres.

§ 3. Any person who shall, without the permission of the officers of the corporation, enter within any inclosure which may be used by such corporation for an agricultural or mechanical fair, and any person guilty of disorderly conduct or such as may interrupt or be prejudicial to the interest of said fair, show or exhibition, whether inside the inclosure for the same, or at any distance within two hundred yards of such inclosure, shall be liable to immediate arrest and to the payment of five dollars to the corporation, to be recoverable at suit of said corporation in action for debt, before any justice of the peace or other court in this state.

§ 4. The provisions of the third section of this act are hereby made applicable and legally available to all agricultural societies within the state, whether incorporated or unincorporated, and which desire to take the benefit of the same.

§ 5. This act to take effect from and after its passage.
APPROVED Feb. 18, 1857.

AN ACT regulating practice in courts in certain cases.

In force April 20 .
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* exceptions taken to opinions or decisions of any court in this state, overruling motions in arrest of judgment for new trials, or for continuances or change of venue shall be allowed in criminal cases and in penal and *quidam* actions; and the party excepting to such decisions may assign the same for error, in the same manner as in civil cases.

Exception to the
opinions of the
courts, &c., al-
lowed in crimi-
nal cases.

§ 2. That section one hundred and fifty-three (153) of the criminal code shall not apply to cases of sale of property on a credit; and that section one hundred and fifty-two (152) shall apply only to representations which shall have been reduced to writing and signed by the party to be charged thereby, prior to the obtaining of such credit.

Certain sections,
how applied.

§ 3. In all cases where a writ or process shall issue out of any court other than the supreme court, and shall be directed to any other county than that in which it shall be returnable, and on which process special bail may be entered, the officer executing such writ may receive as special bail a householder or householders of sufficient property, resident in his county.

Where writ is-
sues out of any
other than su-
preme court.

Special bail.

§ 4. Whenever execution shall issue upon any judgment obtained by confession, or warrant of attorney, upon any demand which shall not be due at the time of the entering of such judgment, any defendant or defendants may stay proceedings, by injunction issued out of the circuit court of the county to which such execution shall have been directed, until the said demand shall have become due: *Provided*, that the party seeking such injunction shall give bond as now required by law in cases of injunction.

Where judgment
is entered by
confession.

Stay proceedings.

Proviso.

§ 5. In any and all cases where the sheriffs shall be by law required to take bail upon any writ or process, such sheriff shall have the power to administer oaths and to examine the person or persons offered as bail touching his or her sufficiency.

Sheriff may ad-
minister oath.

§ 6. The passage of this act shall not abate any prosecution now pending in any court of this state.

APPROVED Feb. 18, 1857.

in force April 18, 1857. AN ACT to fund the arrears of interest accrued and unpaid on the public debt of the state of Illinois.

Preamble. WHEREAS the state of Illinois has now resumed the payment of the accruing interest upon her public debt; and whereas there is an amount of arrears of interest that has accrued upon her indebtedness that now remains unpaid, which it is necessary should in some way be disposed of to enable the state to take her proper position among the interest paying states of the Union; therefore,

[SECTION 1] *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the

Duty of governor governor of the state of Illinois is hereby authorized and required to take up all arrears of interest now due and unpaid that has accrued upon the first day of January, eighteen hundred and fifty-seven, upon any portion of the indebtedness of the state, and issue to the holders of the same, when they shall bring to him the sum of one thousand dollars or more, a bond of the state, the same as those

Issue a bond. authorized to be issued on account of funding the internal improvement and canal debt, dated 1847; but the interest

Not to draw interest until 1860. shall not begin to run upon said bonds until January 1st, 1860; and on and from that date they shall become and be

When redeemed. deemed as principal bonds, and shall be redeemable at the pleasure of the state. No bond shall be issued for a less sum than one thousand dollars for arrears of interest due and unpaid. When such bonds are issued by the governor to the holders of such arrears of unpaid interest, he shall receive from the person holding the coupon or interest certificate upon which the bond is to be issued, a receipt, showing upon what the bond was issued, with the coupon or interest certificate attached. On all bonds that do not have interest coupons attached, the governor, before issuing the bonds due under this law for arrears of interest upon the

Governor to take receipt. same, shall issue a certificate to any holder for the amount of interest due on any bonds such holder may present, and said certificates shall be taken as before stated and bonds issued therefor as before stated. Any holder of canal or

Issue certificate. internal improvement scrip, holding less than a thousand dollars, may present the same with interest certificates enough to make a thousand dollars or more, and the governor shall issue a bond as before stated for such amount.

Holders may present canal scrip with interest certificates.

This act to take effect on its passage.

APPROVED Feb. 18, 1857.

AN ACT to amend chapter 102, Revised Statutes, entitled "Steamboats." In force Feb. 12, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That steamboats and other water crafts navigating the rivers within or bordering upon this state shall be liable for debts contracted on account thereof by the master, owner, steward, consignee, or agent, for materials, supplies, or labor in building, repairing, furnishing or equipping the same, or due for wharfage, and also for damage arising out of any contract for the transportation of goods or persons, or for injuries done to persons or property by such craft, or for any damage or injury done by the captain, or mate or other officer thereof, or by any person under the order or sanction of either of them, to any person who may be a passenger or hand on such steamboat or other water craft at the time of the infliction of such damage or injury: *Provided*, that nothing herein contained shall be construed to make the craft or owners thereof liable for the trespasses done by any of the crew not under the direction of the officers in command thereof.

Steamboats or other water craft, liability of.

Damages on contracts or for injury.

To passengers or hands.

Proviso.

§ 2. Any person having such demand may proceed against the owner or owners or master of such craft, or against the craft itself.

Owners, master or craft may be sued.

§ 3. When such suit shall be commenced against the craft, the plaintiff shall file his precipe to that effect, naming such craft, if she have a name, and if not giving a substantial description of the same, and with it a bill of the particulars of his demand, verified on his own affidavit or that of his agent or attorney, or other credible person.

When suit against craft.

Bill of particulars.

§ 4. The clerk of the proper county shall on receiving such precipe issue a warrant, returnable as other writs, directing the seizure of such craft by name or description, as provided for in the third section of this act, or such part of her apparel or furniture as may be necessary to satisfy the demand, and to detain the same until discharged by due course of law; and the officer executing the writ shall return with it an inventory of the effects seized and held under it.

Clerk to issue warrant sheriff.

§ 5. That the owner, master, steward, consignee or other agent of such steamboat or other water craft may discharge the property seized upon entering into bond to the officer taking the same, with two or more good and sufficient sureties, within the county where such craft may have been seized, in double the amount of the demand sworn to be due by plaintiff, agent or attorney, conditioned that such property or double the amount sworn to be due by plaintiff, agent or attorney shall be forthcoming to answer the judgment under such seizure.

Bond may be given.

Condition.

Proceedings shall be had.

§ 6. That upon the return of the writ, the pleadings and other proceedings shall be as in other cases of process

	served and returned; and after judgment the property seized and still held may be sold upon execution to satisfy the judgment. and the overplus money, if any, arising from such sale, shall be returned to the owner, master or agent, on demand, as surplus money is in other cases of execution; and if the proceeds of such sale fall short of satisfying the judgment, the balance shall remain to be collected on execution as upon other judgments; and in case the judgment shall be against the plaintiff, the property seized shall be restored, and the cost shall be collected as in other cases.
Surplus, if any paid over.	
Property stored.	
Justices of the peace, jurisdiction.	§ 7. Justices of the peace within their respective counties shall have jurisdiction under this act, when the amount claimed shall not exceed one hundred dollars, and shall proceed as near as may be according to the rules prescribed herein for the other courts.
Penalty for bringing suit without good cause.	§ 8. That if any suit or action shall be commenced under this act without reasonable or proper cause, the person or persons commencing such suit or action shall be liable to make compensation to the defendant or defendants for all damages by him, her or them sustained by reason of the commencement of suit or action; the defendant or defendants, if appearing and defending and damaged as aforesaid, shall set forth in his, her or their plea or pleas or notice attached to the plea of the general issue, or in a written statement, if the cause be pending before a justice of the peace, that such suit was commenced without reasonable or probable cause, to the damage of the defendant or defendants; and if the jury or justice, on the trial, shall find that such suit or action was commenced without reasonable or probable cause, such jury or justice shall assess the amount of damage sustained by the defendant or defendants by reason of the commencing of such action as aforesaid, and for the amount so assessed judgment shall be rendered and execution issued according to the usual rules of proceeding.
Notice attached to plea or written statement before a justice.	
Damages to be assessed.	
Appeal allowed.	§ 9. Parties, under this act, shall have the same right of appeal as in other cases.
Owners &c., may appeal.	§ 10. That in all cases wherein proceedings are had under the provisions of this act against steamboats or other water crafts, by name or description, and judgment rendered, the owner or owners, masters, stewards, consignee or other agent of such steamboat or other water craft, may appeal from such judgment, on entering into the required bond or recognizance, as in other cases of appeal, and on such appeal being perfected, the officer who may have seized such property shall restore the same, on receiving the certificate of the magistrate or clerk of the court, as the case may be, that the appeal so taken has been perfected; and in case the plaintiff or plaintiffs shall appeal from such judgment and shall perfect his or their appeal, the officer who may have seized such property shall retain
Officer to restore property.	
Or retain the same.	

the custody of the same, unless the same be discharged as provided for in the fifth section of this act; and unless such appeal be perfected, the said officer shall restore the property seized, on receiving the certificate of the magistrate or clerk of the court, as the case may be, that the appeal so taken has not been perfected.

§ 11. That this act shall be so construed as to authorize and enable any person or persons to bring or maintain against any such steamboat or other water craft, according to the provisions of this act, any action or actions provided for or contemplated in such act, notwithstanding the cause of action may have accrued beyond or out of the limits or jurisdiction of this state, and although such steamboat or other water craft may not have been, at the time such cause of action accrued, navigating the waters within or bordering upon this state: *Provided*, that no claim or claims, or cause of action arising or accruing beyond or out of the territorial limits or jurisdiction of this state, under the provisions of this act, shall be so construed or permitted to so attach or operate to the prejudice of any *bona fide* purchaser of such steamboat or other water craft, not having notice of the existence of such claim or cause of action.

Action may be brought in cause of action accrued beyond the limits of this state.

Provided.

§ 12. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to establish a state road from Marion, in Williamson county, to Benton, in Franklin county. In force April 20, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Henry W. Perry and George Hunter, of Williamson county, and Robert Hayes, of Franklin county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at Marion, in Williamson county, and run to Benton, in Franklin county, *via* George W. Binkley's, Schoharie Prairie, crossing the Middle Fork of Muddy river at or near the Fish Trap Ford.

Commissioners.

To lay out.

§ 2. It shall be the duty of said commissioners to proceed to the town of Marion, in the county of Williamson, on or before the first day of May next, or as soon thereafter as they may find it convenient, and after having been sworn by some acting justice of the peace of said county, to view, mark and locate a road, as above designated, having due regard to private property.

Further duty.

Sworn.

Plat.

§ 3. When the said commissioners shall have laid out and established the said road as aforesaid, they shall make and deliver to the county clerks of the counties through which said road passes a copy or plat of said road; which plat, when so received by said clerks, shall be entered of record in their several offices; and the said entries, when so made, shall be evidence in all courts of this state of the existence of said road.

Recorded.

Expenses, how paid

§ 4. The county courts of the several counties through which said road passes shall allow to the said commissioners and to the said clerks a reasonable compensation for their services rendered as aforesaid, in proportion to the amount of labor performed in each county.

APPROVED Feb. 13, 1857.

In force Feb. 18, 1857.

AN ACT to amend an act entitled "Religious Societies."

Trustees may give mortgages or deeds of trust.

[SECTION 1.] *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the trustees now in office, or those who may hereafter be appointed or elected under the provisions of the act to which this is an amendment, shall have power, under the direction of the society or congregation by whom they were elected or appointed, to execute mortgages or deeds of trust, in the nature of mortgages, of and concerning the estate and property which any society or congregation are authorized by said act to hold, and such mortgages, deeds and conveyances shall have the same effect and be enforced by the same remedies and proceedings as like mortgages, deeds and conveyances made by natural persons, anything in the said act to which this is an amendment to the contrary notwithstanding.

Same effect as other mortgages &c.

This act to take effect from and after its passage.

APPROVED Feb. 18, 1857.

In force Feb. 18, 1857.

AN ACT to locate a state road therein named.

Commissioners to locate.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That J. D. Ludlow, Richard Claypool and William Hofman be and they are hereby appointed commissioners to view, survey, make and locate a state road, commencing at the town of Higginsville, in Vermilion county, and running from thence in as direct a course as may be deemed practicable, crossing the Middle Fork of the Big Vermilion river at the "Gray

Ford," to the southwest corner of section three (3,) township twenty-three (23) north, range ten (10) east; from thence on the section line to the town of Pera, on the Illinois Central Railroad, and from thence to intersect the Ottawa road at the most practicable point on the northwest of Ten Mile Grove. The said commissioners, or a majority of them, shall, within six months after the date of the passage of this act, meet at some point upon or near the route herein described for said road, to be agreed upon by said commissioners, and after having taken an oath before some person authorized by law to administer oaths, faithfully to perform the duties required of them by this act, shall proceed to view, survey, mark and locate said road. Said commissioners shall make a report of the location of said road and return a copy to the clerk of the county court of each county through which said road may be located, which shall be filed by said clerk in his office; and said road thus laid out is hereby declared to be a public state road, and shall be opened and kept in repair in the same manner as other public roads are.

To be sworn.

File report.

§ 2. The county courts of the respective counties in which said road shall be located, shall cause to be paid to the said commissioners, their surveyor and attendants, a reasonable compensation for their services, out of the county treasury each county to bear its equal proportional part of said expenses according to the distance said road passes through the same.

Expenses, how paid.

§ 3. This act to be in force from and after its passage.
APPROVED Feb. 18, 1857.

AN ACT to amend chapter 59, Revised Statutes entitled "Justices of the Peace and Constables,"

In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever any constable in this state shall have in his hands any summons issued by any justice of the peace requires service and shall be unable by diligent search to find the defendant or defendants, or to make personal service on him or them, and said defendant or defendants shall at the time be resident of the county in which said summons issued, the said constable may serve said process by leaving a copy thereof at the residence of the defendant or defendants, with some member of his family above the age of ten years, and informing such person of the contents thereof; and on the return of such summons if it shall appear to the justice from the return of the constable that

Constables may leave copy of summons in certain cases.

Copy to be left at place of residence.

the summons has been served by copy in the manner and for the reason aforesaid, the cause shall stand for trial on the return day thereof.

Cause to be continued.

§ 2. If the defendant or defendants shall not appear on the return day of said summons the justice shall continue said cause and issue another summons, which may, under like circumstances be served in like manner and with the same effect, and so on until the defendant or defendants shall appear on the return day, or shall be personally served with the summons, in either of which cases the trial shall proceed as other cases in the act to which [this] is an amendment.

Justices' fees.

§ 3. The justice shall be allowed the same sum for each additional summons issued under the provisions of this act as for the first summons, to be taxed as cost of suit and collected as other costs.

Constables, fees.

§ 4. Constables shall be allowed the same fees and mileage for each service by copy under the provisions of this act as they are now allowed by law for serving summonses, to be taxed as costs and collected as other costs in the suit.

Where executions settled, constables same fees as sheriffs.

§ 5. In all cases when any execution in the hands of any constable shall be settled by the parties, or paid, or when the property levied on shall not be sold by reason of such settlement or payment, the constable shall be allowed the same fees as sheriffs are by law allowed for like service in like cases.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

In force April 20, 1857.

AN ACT to authorize the formation of corporations for transporting, forwarding and navigating on the lakes, rivers and canals, or any or either of them.

Companies, for what purpose and how formed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That at any time hereafter any three or more persons who may desire to form a company for the purpose of building for their own use, equipping, furnishing, fitting, purchasing, chartering or owning steam, sail or other boats, ships or vessels, or property to be used in lawful business, commerce, trade or navigation upon the lakes, rivers and canals, or either of them, and for the carriage, transportation or storing of lading, freight, mails, property or passengers on such lakes, rivers and canals, or either of them, may make, sign and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk*

This duplicate in clerk's office.

of the county in which the principal office for the management of the business of the company shall be situated, and a duplicate thereof in the office of the secretary of state, a certificate, in writing, in which shall be stated the corporate name of such company and the objects for which the company shall be formed, stating particularly the amount of the capital stock of such company, which shall not be more than one million dollars, nor less than ten thousand dollars; the term of its existence not to exceed fifty years; the number of shares of which the said stock shall consist; the number of directors and their names, who shall manage the affairs of such company for the first year, and the name of the city or town and county in which the principal office for managing the affairs of such company is to be situated.

§ 2. When the certificates shall have been filed as aforesaid, and twenty per cent. of the capital named paid in, the persons who shall have signed and acknowledged such certificate, and all others who may thereafter be holders of any share or shares of the capital stocks, and their successors, shall be a body politic and corporate, in fact and name, by the name stated in such certificate; and by that name shall have succession, and shall be capable of suing and being sued in any court of law or equity; and they and their successors may have a common seal, and may make and alter the same at pleasure; and they shall, by their corporate name, be capable in law of purchasing, holding, owning, hiring, leasing and conveying real or personal estate or property whatever, which may be necessary to enable such company to carry on the operations and business mentioned in such certificate, and all other real or personal estate or property which shall have been *bona fide* mortgaged or pledged to said company by way of security, or conveyed to such company in satisfaction or part satisfaction of any debt or debts previously contracted in the course of the transaction of the business of such company, and all other real or personal estate or property which shall be purchased by said company at sales upon judgments, orders or decrees which shall be obtained for such debts or in the course of the prosecution thereof.

§ 3. The stock, property, affairs and concerns of such company shall be managed by not less than three or more than thirteen directors, who shall respectively be stockholders of such company, and a majority of whom shall be citizens of this state, and who shall, except those for the first year, be annually elected by the stockholders of such company, at such times and places as shall be directed by the by-laws of such company. Public notices of the time and place of holding such election shall be published not less than thirty days previous thereto, in a newspaper

Secretary of
State's office.

Capital.

Time.

Directors.

Omcs.

When incorporated.

May sue and be
sued.

May hold prop-
erty.

Number of direc-
tors.

How elected.

Notice given.

Election by ballot

Vacancy. How filled.

Inspectors of first election.

Election of directors may be held on any day.

Appointment of president and other officers.

Duties

How prescribed.

Power of directors

Stock forfeited.

printed in the city or town in which the principal office for the management of the affairs of such company shall be situated, and if there be no newspaper published in such city or town, then in the newspaper the principal publication of which is nearest to such principal office of such company. Such elections shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and such elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in such company; and the persons receiving the greatest number of votes shall be directors; and when any vacancy shall happen among the directors, occasioned by death, incapacity, resignation, the sale of stock, or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the by-laws of such company. The directors named in the certificate aforesaid shall appoint inspectors of the first election from among stockholders who are not directors.

§ 4. In case that it shall happen at any time that an election of directors shall not be made on the day designated by the by-laws of such company, when it ought to have been made, the company for that reason shall not be dissolved, but it shall be lawful, on any other day, to hold an election for directors in such manner as shall be provided for by the said by-laws; and all acts of directors shall be valid and binding as against such company until their successors shall be elected.

§ 5. The directors of such company shall have power to appoint a president, or to appoint or employ such other subordinate officers as the by-laws of such company may designate, and to require any or all of such president and other officers to give such security for the faithful performance of their respective duties as such directors may require; and the directors shall have power to remove such president and other officers, respectively, at pleasure. Such officers shall, respectively, have such powers and perform such duties in the management of the property, affairs and concerns of such company, subject to the control of the directors, as the by-laws of such company shall prescribe. A majority of the directors for the time being shall constitute a quorum for the transaction of business.

§ 6. It shall be lawful for the directors to call in and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such payments or installments as the directors deem proper, under the penalty of forfeiting the shares of stock subscribed for, and all previous payments made thereon, if payment shall not be made by the stockholders within sixty days after a demand or notice requiring such payment shall

have been published three successive weeks, as is prescribed in section three.

§ 7. The directors shall have power to make such reasonable by-laws, not inconsistent with the laws of this state or of the United States, as they shall deem proper, for the management and disposition of the property, affairs and concerns of such company; for prescribing the powers and duties of the officers of such company; for the appointment of the officers and for the transaction of and carrying on all kinds of business within the objects and purposes of such company.

By-laws.

Prescribe duty of officers.

§ 8. The stock of such company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of such company; but no shares shall be transferable until all previous calls thereon shall have been fully paid in; and it shall not be lawful for any such company to use any of its funds in purchase of any stock in any other corporation formed under the laws of this state, or to hold the same, unless the same shall have been *bona fide* pledged, hypothecated or transferred to such company by way of security for, or in satisfaction or part satisfaction of a debt or of debts previously contracted in the course of the transaction of the business of such company, or unless the same shall be purchased by such company, at sales upon judgments, orders or decrees which shall be obtained for such debts or in the course of the prosecution thereof; and no railroad company or corporation shall have, own or hold any stock in any company to be formed under this act.

Stock deemed personal property.

Shall not use funds in the purchase of other stocks.

Railroad companies not to own stock.

§ 9. The copy of any certificate of incorporation filed in pursuance of this act, certified by the county clerk in whose office the same is filed, under his official seal, to be a true copy of and of the whole of such certificate shall be received in all courts and places as presumptive legal evidence of the matters therein stated.

Copy of certificate.

Received as evidence.

§ 10. The stockholders of such company shall be jointly, severally and individually liable to the creditors of such company, to an amount equal to the amount of stock held by them respectively, for all debt and contracts made by such company, and for all claims and demands against such company, until the whole amount of the capital stock fixed and limited by such company shall have been paid in, and a certificate thereof shall have been made and recorded as prescribed in the following section; and the capital stock so fixed and limited shall all be paid in, at least one-half within one year, and the remainder thereof within two years from the incorporation of such company, or such company shall be dissolved.

Stockholders liable for debts.

Until capital stock is paid in

Stock, when paid in.

§ 11. The president and a majority of the directors of such company, within thirty days after payment of the last

Officers to make certificate.

installment of the capital stock so fixed and limited by such company, shall make a certificate stating the amount of the capital stock of such company so fixed, limited and paid in, which certificate shall be signed and sworn to by the president and a majority of the directors of such company, and they shall, within the said thirty (30) days, procure the same to be recorded in the office of the clerk of the county court in which is located the principal office of such company.

Sworn to.

Recorded.

Stockholders,
when liable.

§ 12. No stockholder shall in any case be personally liable for the payment of any debt contracted by or claim or demand against such company, unless an action for the collection of such debt, claim or demand shall be brought against such company within one year after the same shall have become due or shall have accrued; and no action or proceeding shall be brought or maintained against any stockholder in such company for any such debt, claim or demand until an execution against the property of such company therefor shall have been returned unsatisfied in whole or in part.

Dividend.

Certificate, what
contain.

§ 13. Before any dividend shall have been declared and paid, and at least once in each year a certificate shall be made and signed by a majority of the directors of such company and by the president thereof, and by the secretary thereof, if there be such an officer, which certificate shall state the property and claims and demands of such company, and as far as the same shall be known, the claims and demands against the same, and the fair cash value of the property, personal and real, respectively belonging to said company, which certificate shall be verified by the oath of the president of such company, and of the secretary thereof, if there should be such an officer, and shall be filed the same as the certificate mentioned in section one of this act shall be filed; and no dividend shall be declared and paid unless the value of the property, claims and demands of such company, over and above the amount of the claims and demands against the same, as appears from such certificates, shall be as much as the capital stock of such company.

Verified by oath.

Directors failing
to comply, li-
able for debts.

§ 14. If the directors of any such company, present and voting on the same, shall declare and pay any dividend when such company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of capital stock, or shall declare and pay any dividend before the making, verifying and filing of the certificate mentioned in the last preceding section, or when the value of the property, claims and demands of such company shall not exceed the amount of claims and demands against the same, to the amount in this section mentioned, they shall be jointly and severally liable for all

the debts of such company then existing, and for all claims and demands thereafter contracted and incurred while they shall respectively continue in office : *Provided*, that if any of the directors so present and voting shall object to the declaring of such dividend or to the payment of the same, and shall file a certificate of his or their objection in writing, with the secretary of such company, if there be such an officer, and if not, then with the president thereof, and with the clerk of the county in which the principal office of such company shall be situated, the director or directors so objecting and so filing such objections shall be exempt from such liability.

Provide.

If directors file certificate shall be exempt.

§ 15. If any certificate made in pursuance of the provisions of this act shall be false in any material representation, all the officers who shall have signed the same shall be jointly and severally liable for all the debts and liabilities of the company contracted or incurred while they are stockholders or officers thereof.

If certificate is false officers signing same liable.

§ 16. No person holding stock in any such company as executor, administrator, guardian or trustee, and no person holding such stock as collateral security shall be personally subject to any such liability as stockholder of such company, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly; and the estates and funds in the hands of such executor, administrator, guardian or trustee shall be liable in like manner and to the same extent as the testator or intestate or the ward or person interested in such trust fund would have been if he had been living and competent to act and hold the same stock in his own name.

Guardians or trustees not liable.

Persons pledging liable.

Funds in the hands of executors liable.

§ 17. Every such executor, administrator, guardian or trustee shall represent the share of stock in his hands, at all meetings of the company, and may vote accordingly as a stockholder, and every person who shall pledge his stock as aforesaid may, nevertheless, represent the same at all such meetings, and may vote accordingly, as a stockholder.

Administrators, &c., may vote.

§ 18. The stockholders of such company shall be jointly, severally and individually liable for all debts that may be due and owing to all the laborers and servants of such company for services performed for such company.

Stockholders liable to laborers.

§ 19. Any company which may be formed under this act may increase or diminish its capital stock by complying with the provisions of this act; but such increase shall not be to a sum more than the largest sum specified in the first section, and such deminution shall not be to a sum less than the smaller sum specified in said first section. Before such company shall be entitled to diminish the amount of its capital stock, if the amount of capital stock to which it is proposed to be reduced, such amounts of

Company may increase capital stock.

Capital stock not to be diminished until debts are reduced.

debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of such capital stock.

MEETING OF THE
DIRECTORS OF THE
COMPANY.

NOTICE THEREOF.

WHAT OUTSTAND.

IF STOCKHOLDERS
APPEAR.

SHALL ORGANIZE.

TO

CERTIFICATE.

BE MADE OUT, SIGNED
AND VERIFIED.

BOOK TO BE KEPT
OF STOCKHOLDERS.

PLACE OF RESIDENCE
AND
CHARGE OF EACH.

BOOK OPEN TO INSPECTION.

WHEN AND WHERE.

§ 20. Whenever any such company shall desire to call a meeting of the stockholders for the purpose of increasing or diminishing the amount of its capital stock, it shall be the duty of the directors to publish a notice, signed by at least a majority of them, at least six successive weeks, as is prescribed in section three, previous to the day fixed upon for holding such meeting, specifying the object of such meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital stock. A vote of at least two-thirds of all the shares of stock shall be necessary to an increase or diminution of the amount of the capital stock.

§ 21. If, at any time and place specified in the notice provided for in the last preceding section, stockholders shall appear in person or by proxy, in numbers representing not less than two-thirds of all the shares of stock of the company, they shall organize by choosing one of the directors chairman of the meeting; and also a suitable person for secretary, and proceed to a vote of those present, in person or by proxy, and if, on canvassing the votes, it shall appear that a sufficient number of votes have been given in favor of increasing or diminishing the amount of capital, a certificate of the proceeding showing a compliance with the provisions of this act, the amount of capital actually paid in, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman, and be countersigned by the secretary; and such certificate shall be acknowledged by the chairman, and filed as required by the first section of this act, and when so filed, the capital stock of such company shall be increased or diminished to the amount specified in such certificate.

§ 22. It shall be the duty of the directors of every such company to cause a book kept by the treasurer or secretary thereof, containing the names of all persons, alphabetically arranged, who are, or shall within six years have been stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, and the amount of stock actually paid in; which book shall, during the usual business hours of the day, on every business day, be opened for the inspection of stockholders and creditors of the company and their personal representatives, at the principal office of such company; and any and every such stockholder, creditor or representative shall have a right to

make extracts from such book, and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts and liabilities of the company according to the provisions of this act, until it shall have been entered therein as required by this section, by an entry showing to and from whom transferred. Such book shall be presumptive evidence of the matters therein stated, in favor of the plaintiff, in any action or proceeding against such company or against any one or more stockholders. Every officer or agent of such company, whose duty it shall be to keep such book, who shall neglect any proper entry in such book, or shall refuse or neglect to exhibit the same, or allow the same to be inspected, or extracts to be taken therefrom as provided by this section, shall be deemed guilty of a misdemeanor, and the company shall forfeit and pay to the party injured a penalty of fifty dollars for every such neglect or refusal, and all damages resulting therefrom; and every company that shall neglect to keep such books open for inspection, as aforesaid, shall forfeit to the people the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the people in the circuit court of the county in which the principal office for the transaction of the business of such company shall be located, and when recovered the amount shall be paid into the treasury of said county for the use thereof.

Person receiving
transfer of
stock liable
until entered

Officer who shall
neglect to ex-
hibit.

Guilty of misde-
meanor.

Company to for-
feit.

When recovered
to whom paid.

§ 23. The legislature may at any time alter, annul or repeal this act, saving and preserving all rights which may become vested under the same, and may amend or repeal any incorporation formed under this act or any act amendatory of the same; but such amendment or repeal shall not, nor shall the dissolution of any company formed under this act, take away or impair any remedy given against such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

This act may be
repealed.

Not to impair
remedy.

APPROVED Feb. 17, 1857.

AN ACT to change the state road from Knoxville to Rock Island.

In force Feb. 13,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the state road leading from Knoxville, in Knox county, to Rock Island, in Rock Island county, be altered or changed as follows: commencing at the southeast corner of the northeast quarter of section 28, in township 13 north, range*

State road in
Knox county
altered.

one east of the fourth principal meridian, ; running thence north on the line between section 27 and section 28 one-half mile to the corner of sections 21, 22, 28 and 27, and thence west one-half mile on or near the line between section 21 and 28, so as to intersect the said Knoxville and Rock Island road at or near Larkin Robinson's dwelling; and that so much of said road as runs angling across the northeast quarter of section 28 is hereby declared vacated or annulled.

§ 2. This act shall be in force from and after its passage.

APPROVED Feb. 18, 1857.

In force Feb. 16,
1857.

AN ACT to repeal an act therein named.

Part of act re-
pealed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the fifth section of an act entitled "An act to change the time of holding courts in the seventh and thirteenth judicial circuits, and to regulate the practice therein, and in the Cook County Court of Common Pleas," approved January 14th, A. D. 1857, as applies to the thirteenth judicial circuit be and the same is hereby repealed.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

In force Feb. 16,
1857.

AN ACT to vacate part of a state road therein named.

Part of road re-
pealed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the state road located in the year A. D. 1838, leading from Burlington, Iowa, to Peoria, Illinois, as runs diagonally across sections ten, eleven and twelve, in township eight north of the base line, in range two east of the fourth principal meridian, be and the same is hereby declared vacated.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to amend "An act to exempt homesteads from sale on execution." In force Feb. 17, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the first section of "An act to exempt homesteads from sale on execution," approved February 11, 1851, be amended by inserting after the words "subscribed by such householder," the words "and his wife, if he have one," it being the object of this act to require, in all cases, the signature and acknowledgment of the wife as conditions to the alienation of the homestead.

Certain section amended.

§ 2. This act to be in force from and after its passage.
APPROVED Feb. 17, 1857.

AN ACT to amend "An act to dispose of the swamp and overflowed lands, and to pay the expenses of selecting and surveying the same," approved June 23d, 1855. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever the board of supervisors shall be satisfied that the purchasers of any swamp lands, sold under the provisions of an act to which this is amendatory, cannot have their titles perfected on account of prior entries from the United States, or any other reasonable cause, then it shall be their duty to instruct the drainage commissioner of the county wherein such lands lay to refund the purchase money to the purchaser or purchasers, if demanded by the same, within four weeks of such notification by said board to said commissioner, and on failure to do so the commissioner shall forfeit and pay to the purchaser or purchasers three times the amount of said purchase money, to be collected by suit on the bonds of said commissioner as in such cases made and provided.

Supervisors to refund money in certain cases.

§ 2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Acts repealed.

§ 3. This act to be in full force and effect from and after its passage.

APPROVED Feb. 16, 1857.

In force April 26,
1857.

AN ACT to lease the state penitentiary.

Lease to S. K.
Casey

Five years, in
same terms

Provided

Certain sections
repealed and
amended

Further provided

Lease to extend
to new peniten-
tiary

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the penitentiary of the state of Illinois, located at Alton, in said state, and the labor of the convicts confined therein, shall be and the same are hereby leased and granted to Samuel K. Casey, his heirs, executors, administrators and assigns for the term and space of five years from and after the lease of said penitentiary now held by Samuel A. Buckmaster shall expire, on the same terms and subject to the same conditions and agreements upon which said lease was granted to said Buckmaster, by an act of the legislature of the state of Illinois, entitled "An act to lease the penitentiary," approved March the first, in the year of our Lord one thousand eight hundred and forty-five (A. D. 1845:) Provided, that the third and eighth sections of said act shall not apply to the lease hereby granted, but the same are hereby repealed; and the fifth section of said act, which names the persons required as the said Buckmaster's securities on his bond, is hereby declared to be so modified and changed that the security required from the said Samuel K. Casey, the lessee by virtue of this act, shall be approved by the governor; which said bond shall be executed and approved previous to the expiration of said Buckmaster's lease: Provided, that nothing in this act shall be so construed as to prevent the state at any time from using the labor of one hundred of the convicts of the penitentiary in constructing a new one, as may hereafter be provided for by law. For such labor a reasonable allowance shall be made from the state to said Casey: Provided, that so soon as a new penitentiary shall be built and the one at Alton abolished that this lease shall extend to the new one, without damage to the state on account of the leasing of the old one.*

APPROVED Feb. 16, 1857.

In force April 20, 1857. AN ACT to relocate a portion of the state road leading from Carthage, in Hancock county, to Macomb, in McDonough county.

Commissioners
to locate

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That A. J. Griffith, John Camren and Patrick Cambron, [be] and they are hereby appointed commissioners to locate so much of the state road leading from Carthage, in Hancock county, to Macomb, in McDonough county, as lies within the county of Hancock.*

§ 2. That said commissioners shall meet on or before the first day of June next after the passage of this act, or as soon thereafter as possible, at the town of Carthage, and take an oath before some justice of the peace of Hancock county well and truly to perform the duties required of them by this act.

Commissioners
to meet and be
sworn

§ 3. When said commissioners shall have reviewed said ground, and shall have relocated said road, it shall be their duty to make out a plat of the road so relocated, and lay said plat before the board of supervisors of said Hancock county as soon as practicable after the completion of the same; and the road so relocated is hereby declared a state road, and so much of the old road affected by said relocation is hereby vacated.

When road lo-
cated plat to be
made.

Old road vacated.

§ 4. That the board of supervisors of the county of Hancock shall cause to be paid to said commissioners a reasonable compensation for their services and expenses in relocating said road, out of the county treasury of said county.

Expenses, how
paid.

§ 5. The said plat or record of the same shall be evidence hereafter in all the courts of this state of the relocation of said road, and it shall be the duty of the clerk of the county court of said county of Hancock to record said plat in the records of his office.

Plat to be re-
corded.

APPROVED Feb. 16, 1857.

AN ACT giving county courts jurisdiction in certain cases therein named, In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the several county courts in this state, sitting for the transaction of probate business, shall hereafter have power, upon the petition of the guardian or next friend of any minor child or children to grant orders for the sale or transfer of any bounty land warrant or warrants which may have been or may hereafter be issued to such minor child or children.

County courts
may order sale
of land warrants

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

In force Feb. 16, 1857. AN ACT to authorize the sale of swamp and overflowed lands in certain counties therein named.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the board of supervisors of such of the counties of Kankakee, Livingston, Vermilion, Piatt, Champaign, De Witt and McLean as have adopted township organization, and the county courts of such of said counties as have not adopted township organization, be and they are hereby authorized and empowered to sell and dispose of at public or private sale for cash, or on a credit of one and two years, as to them may seem most advisable, at a price not less than one dollar and twenty-five cents per acre, all of the swamp and overflowed land lying within the limits of their respective counties, donated to them by the state of Illinois.

§ 2. All of said lands remaining unsold at the expiration of a year from the passage of this act may be sold as aforesaid for less than said sum of one dollar and twenty-five cents per acre.

§ 3. Said board of supervisors or said county courts, as the case may be, are hereby authorized to enter into and execute all written contracts necessary to carry into effect said sale and disposition of said lands, and for the execution of conveyances to the purchaser or purchasers of the same.

§ 4. In all of said counties acting under said township organization, said written contracts and conveyances shall be executed by a special commissioner, under his hand and private seal, to be appointed by said board of supervisors; and in all of said counties, not acting under said township organization, said contracts and conveyances shall be executed by the judge of said county courts, under the seals of their respective courts; and all and each of said written contracts and conveyances shall contain a true copy of the order of said board of supervisors or of said county courts as the case may be.

§ 5. All and each of said written contracts and conveyances shall be so executed and shall be so construed as to bind the said counties respectively for no greater or better title than said counties may possess at the time of the execution of said written contracts or conveyances.

§ 6. Section eighth of an act entitled "An act to dispose of the swamp and overflowed lands and to pay the expense of selecting and surveying the same," approved June 23, 1852, and all laws and parts of laws conflicting with this act, so far as they relate to the counties hereinbefore named, are hereby repealed.

§ 7. This act to take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to amend an act entitled "An act to amend an act establishing county courts, approved Feb. 12, 1844, and extending the jurisdiction of the of La Salle, Winnebago, Boone and McHenry county courts," approved Feb. 27, 1854.

In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That section four of the act to which this is an amendment be and the same is hereby repealed so far as the same relates to the county of McHenry; and all appeals and proceedings in the nature of appeals and writs of *certiorari* taken and prosecute¹ from the decisions and judgments of justices of the peace and other inferior tribunals in said county of McHenry may be taken to and prosecuted out of either the county or circuit court of said county, at the option of the person or persons appealing or suing out such writ; and all appeals heretofore taken, and which are still pending and undetermined in either of said courts, shall be deemed to have been taken and pending to and in the proper court, anything in the act to which this is an amendment to the contrary notwithstanding.

Section four repealed.

Appeals.

How prosecuted.

§ 2. Judgments by confession may be entered in said county court of McHenry county in vacation, in all cases, by filing the proper and necessary papers with the clerk of said court, although the amount may exceed one thousand dollars.

Judgments by confession in vacation.

§ 3. Section eleven of the act to which this is an amendment is hereby declared to extend to all cases therein mentioned, without regard to the amount or value of property therein and thereby sought to be affected.

Section eleven extended to all cases.

§ 4. The judges of said court shall have power to order the issuing of writs of *habeas corpus*, *ne exeat* and injunction, but all writs of *habeas corpus* shall be returnable before some court or judge thereof having criminal jurisdiction: *Provided*, the provisions of this act shall extend only to McHenry county.

Writs of *habeas corpus*.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT to establish a state road from Marion, in Williamson county, to De Soto, in Jackson county.

In force Feb. 12, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Stephen S. Hall, of Jackson county, and William Hincheliff and Robert M. Huntly, of Williamson county, be and they are hereby appointed commissioners to lay out and estab-

Commissioners to locate.

lish a state road, which shall commence at Marion, in Williamson county, and run to Fredonia, in said county, and thence to De Soto, in Jackson county, crossing Big Muddy river at or near Marshall Shoals.

§ 2. It shall be the duty of said commissioners to proceed to Marion, in the county of Williamson, on the first Monday of April after the passage of this act, or as soon thereafter as they may find it convenient, and after having been sworn by some acting justice of the peace, of said county, to view, mark and locate a road, as above designated, having due regard for private property.

§ 3. When said commissioners shall have laid out and established the said road as aforesaid they shall make out and deliver to the clerks of the counties through which said road passes a copy or plat of said road, which plat, when so received by said clerks, shall be entered of record in their several offices, and said entries, when so made, shall be evidence in all courts in this state of the existence of said road.

§ 4. The county courts of the said counties through which said road passes shall allow to the said commissioners and to the said clerks a reasonable compensation for their services, rendered as aforesaid, in proportion to the amount of labor performed in each county, approved Feb. 11, 1855.

§ 5. This act shall be in force from and after its passage.

APPROVED Feb. 18, 1857.

1857. AN ACT to relocate a portion of the state road leading from Ottawa to Danville.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Daniel Fairchild, Hezekiah Miner and Owen Davis be and they are hereby appointed commissioners to relocate so much of the state road leading from Ottawa to Danville as lies in township twenty-one north, of ranges twelve and thirteen west, in Vermilion county, having due regard to private property and the convenience of the public.*

§ 2. That said commissioners shall meet at the court house in Danville on or before the first Monday in May next after the passage of this act, or as soon thereafter as practicable, and take an oath before some justice of the peace of said county, well and truly to perform the duties required of them by this act.

§ 3. When said commissioners shall have reviewed the said ground and shall have relocated said road it shall be their duty to make out a plat of the road so relocated and lay it before the board of supervisors of said county of Vermilion as soon as practicable after the completion of the same; and the road so located is hereby declared to be a state road, and so much of the old road as may be affected by said relocation is hereby vacated.

Make plat.

Old road vacated

§ 4. The said plat shall be evidence hereafter in all courts of record in this state; and it shall be the duty of the clerk of the board of supervisors of the said county to record said plat on the records of his office; and said board of supervisors shall allow to said commissioners a reasonable compensation for the services required by this act

Plat to be recorded.

Expenses, how paid.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to establish a register's office in the city of Cairo. In force Feb. 17, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there shall be and is hereby established in the city of Cairo a register's office, with a common seal, to be provided by the town trustees or city council, in which all deeds, mortgages and other instruments of writing, conveying or relating to lands lying in said city and in township seventeen south, range one west of the third principal meridian, shall be recorded; and it shall be the duty of the register of said city to record all such deeds, mortgages and other instruments of writing aforesaid, in proper and well bound books, to be provided by the town trustees or city council for that purpose; and all such deeds, mortgages and other instruments of writing so recorded in the register's office shall have the same force and effect as if the same had been filed and recorded in the recorder's office of Alexander county; and the said register shall be entitled to receive the same fees as are allowed to recorders of deeds in the state, and he shall perform all the duties within the said city and township, and be subject to the same liabilities as are required of county recorders in this state.

Register's office.

Duty of register.

Books.

Fees.

Who shall be register.

§ 2. The clerk for the time being of the court of common pleas of the city of Cairo shall be, *ex-officio*, the register of said city, and shall perform all the duties in said city

and in township seventeen south, range one west of the third principal meridian, now required of the recorder of Alexander county.

§ 3. Levi L. Lightner, the present recorder of Alexander county, shall be allowed and paid by the city of Cairo the full fees for copying and certifying all such deeds and mortgages and other entries affecting the title of lands within said limits; and when the whole of a book or books of record in his office contains nothing but evidence of title in township seventeen south, range one west, that he may, if he thinks proper, deliver such book or books in lieu of certified copies, and be entitled to receive the same fees as if he had copied the same, to be paid by said city of Cairo to him; and such deeds, mortgages and other title papers as shall be recorded in books with other title papers not relating to or affecting lands within township seventeen south, range one west, the said Levi L. Lightner shall cause to be correctly copied in well bound books, to be furnished him by the city of Cairo.

§ 4. That the recorder of Alexander county shall separately certify at the foot of each deed and mortgage, and the fact that the same is correctly copied from the records of his said office; and when said copies are so made of all the deeds, mortgages and other evidences of title papers relating to or affecting land in said township seventeen south, range one west, the same shall be delivered over to the clerk of the court of common pleas in and for the city of Cairo; and the said city of Cairo shall pay said Levi L. Lightner ten cents for every one hundred words, and the sum of twenty-five cents for each certificate, the payment of his said fees to be made prior to the delivery of said records.

§ 5. Copies made from the books in which the deeds, mortgages and other writings shall be copied as aforesaid, certified by the register of the city of Cairo, may be used as evidence, *prima facie*, of the existence and contents of the original deeds, and of the time of the original recording of the same, in the same manner and to the same extent and shall be of the same validity and effect as certified copies from the recorder of Alexander county, made by the recorder thereof.

§ 6. The recorder of Alexander county shall be allowed, in addition to his other fees herein provided, ten cents for his services and the use of his office for each deed, mortgage or other writing copied under the provisions of this act, which shall be paid by the town or city of Cairo.

§ 7. The register of said city shall keep his office within the boundaries thereof, in a safe and convenient place, to be provided for that purpose by the town trustees or city council, and from and after this act shall take effect

the said register's office shall be and remain to all intents and purposes the place in which to record deeds, mortgages and title papers and other instruments in writing, relating to lands within the limits of said city and of township seventeen south, range one west of the third principal meridian; and all copies of such deeds mortgages and other instruments in writing from the records of said office, duly certified under the seal of said office, shall have the same force and effect as certified copies made by other recorders.

Copies to be evidence.

§ 8. The plats of any lands adjoining the city of Cairo which may be hereafter made with a view to become incorporated with the said city, and might be so incorporated, if filed in the recorder's office of Alexander county, shall be recorded in the office of the register of the city of Cairo, and such recording of plats shall have the same effect as if the same were recorded in the office of the recorder of Alexander county.

Plats hereafter made to be recorded.

§ 9. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 17, 1857.

AN ACT to amend the law for the consolidation of railroads.

In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall not be lawful for the Great Western Railroad Company of Illinois, or for the directors thereof, to consolidate their railroad with any road out of the state of Illinois, without having first obtained the written consent of the stockholders of said road residing in the state of Illinois; and any contract for such consolidation which may be made without having first obtained said written consent, signed by the resident stockholders in Illinois, shall be null and void.

Great Western, not to consolidate.

Without consent of resident stockholders.

§ 2. This act shall take effect and be in force from and after the passage thereof.

APPROVED Feb. 16, 1857.

In force Feb. 18, 1857. AN ACT to amend "An act establishing county courts," approved Feb. 12, 1849, and extending the jurisdiction of the county courts of the counties of Lee and Whiteside.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in addition to the powers heretofore granted and conferred upon the county courts of this state, the county courts of the counties of Lee and Whiteside shall have jurisdiction in all civil cases, suits and actions and proceedings, both in law and in chancery, when the amount due and claimed or the value of the property shall not exceed the sum of fifteen hundred dollars; and the judges of said courts shall have the same powers in vacation as are vested in the judges of the circuit court of this state.

§ 2. The writs and processes of said county courts shall be issued and executed in the same manner as the writs and processes of the circuit courts of this state and the rules, proceeding and practice not herein otherwise provided for, shall conform as near as may be to the rules, proceedings and practice of said circuit courts; and all fines, orders, judgments and decrees of said county courts shall be and remain a lien upon the land, tenements and real estate of the person or persons against whom the same may be obtained, for the period of seven years from the last day of the term in which the same shall be entered; but no final order, judgment or decree shall be entered in vacation, except judgments by confession, which may be entered at any time upon filing the proper papers with the clerk of said court, and shall have the same force and effect from the time of entry as if entered in term time.

§ 3. There shall be four terms of said county courts held in said counties in each year, for the transaction of business, the jurisdiction whereof has been, hereby is or may be conferred by the general assembly upon said courts and not otherwise provided for, which shall be called and known as the March, June, August and December terms, and shall commence on the first Mondays of said months of March, June and December, and upon the third Monday of the said month of August, and may continue open until its business is disposed of. If the judges of said courts shall not attend before four o'clock in the afternoon of the day when said courts should be held the sheriff or clerk shall adjourn said courts till the next day, and if the said judges shall not attend before six o'clock of the second day the sheriff or clerk shall adjourn the court without day.

§ 4. Traverse juries for the June and December term of said court, and for such other terms as hereinafter provided for, shall be selected or ordered to be summoned or returned, in the same manner as they are or may be selected

and summoned, or ordered returned for circuit courts in said counties, they shall be entitled to and paid the same fees in like manner, and possess the same qualifications, and be liable to the same penalties and punishments; they shall have the same benefit of the same excuses and exemptions, shall take the same oaths, and possess the same powers, and be governed in all their proceedings in the same manner as is or may be prescribed, allowed and imposed in the case of jurors in the circuit courts; and the judges of said courts may if they deem it necessary for the transaction of business, require a jury to be summoned and returned for the trying of all issues and matters at the March and August terms of said courts, and said jurors shall be entitled to and subject to all the provisions of this section contained.

Judges may cause a jury to be summoned.

§ 5. Appeals and proceedings in the nature of appeals and writs of *certiorari* taken and prosecuted from the decisions and judgments of justices of the peace and other inferior tribunals in said county, shall be taken to and prosecuted out of said county court, except where a regular term of the circuit court of said counties shall intervene between the time rendering judgment or making divisions and the next term of said county courts, in which case appeals may be taken to or writ sued out of either the circuit or county courts.

Appeals.

When circuit court intervenes

§ 6. Appeals and writs of error from the orders, judgments and decrees of said county courts to the supreme court shall be had and taken in the same cases, and presented and conducted in the same manner as is or may be provided by the laws of this state for taking appeals and writs of error from the circuit courts.

Appeals, &c., to supreme court.

§ 7. The clerks, sheriffs and other officers of said courts and witnesses shall receive the several fees and compensations that now are or hereafter may be allowed for similar services and attendance in the circuit courts, and may be recoverable, collected and paid in like cases and manner as such fees now are or hereafter may be in said circuit courts.

Fees same as in circuit court.

§ 8. There shall be taxed and collected as costs in every suit or proceeding in said county courts, in every suit begun by writs, bill or petition, the sum of two dollars, and in every judgment by confession the sum of one dollar, if said judgment does not exceed the sum of one hundred dollars, but if said judgment exceeds the sum of one hundred dollars and does not exceed the sum of two hundred and fifty dollars, then two dollars shall be taxed as costs, and if the said judgment shall exceed the sum of two hundred and fifty dollars, but does not exceed the sum of five hundred dollars, then three dollars shall be taxed as costs, and the sum of five dollars shall be taxed as costs

Certain fees taxed as costs.

if said judgment so entered by confession as aforesaid shall exceed the sum of five hundred dollars; there shall also be taxed as the costs of said courts, for each final order, judgment or decree of said court, the sum of fifty cents, all of which costs when so taxed and collected shall be paid over to the judge of said court.

Paid to judge.

Clerk's fees in
said courts.

§ 9. There shall be paid to the clerk of said courts, upon filing any application for letters testamentary or of administrator or of guardianship, the sum of fifty cents, and upon filing any application of securities or other persons for relief or for revoking or repealing letters testamentary or of administrators or of guardianship the sum of one dollar; all of which sums shall by the clerk be paid to the judge of said court on or before the first day of each term, and may be taxed and collected with the other costs by fee bill or otherwise, according to the practice of the courts.

Books and stationery.

§ 10. The clerks of said courts shall provide all necessary books, stationery and fuel for their offices and presses for the safe keeping of the archives thereof, and the board of supervisors shall from time to time make allowances for the same from the county treasury.

Jurisdiction of
court.

§ 11. The said county court shall have jurisdiction in all cases of petition or bill for writs *ad quod damnum*, and shall have concurrent jurisdiction with the circuit court of said counties in all cases, and applications for the sale of real estate and interest therein of wards by their guardians for the partition of lands, real estate and interest therein, for the assignment and settlement of dower, for the removal of guardians and executors, for the settlement of the estate of the deceased persons, and for the sale of real estate and interest therein of deceased persons, for the payment of debt of decedents, by executors or administrators.

Real estate of
wards, &c.

Changes of venue
to other courts.

§ 12. Changes of venue may be taken from said courts either to the circuit court of said counties or at the option of the court granting the change to the county court of the adjoining counties having a like jurisdiction in the same manner as is now provided by law for changes of venue in the circuit court of said counties.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT to locate and build an additional penitentiary.

In force Feb. 19,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That David Y. Bridges, of Johnson county, Chauncey L. Higbee, of Pike county, and Nelson D. Ellwood, of Will county, be and they are hereby appointed commissioners, with full power and authority to select and obtain by purchase or otherwise, for the state, a suitable site for a penitentiary, and also obtain for the state, by purchase or otherwise, contiguous to or in the vicinity of such site for such penitentiary, such other lands and stone quarries as they shall deem for the best interests of the state, and to procure drafts and specifications for and cause to be erected and built on said site a building or buildings of stone, with such other materials as shall be requisite, of sufficient strength and durability, with cells for the convenient confinement of convicts, with guard rooms, work shops and yards, dining, cooking and wash rooms, hospital, chapel and rooms for the keeper or keepers, and in all things to arrange the same upon the most advisable plan, in their judgment, both to convenience and utility, for a public penitentiary, and of sufficient capacity for one thousand cells for convicts; to inclose or cause to be inclosed, with good and substantial walls of stone, sufficient ground for all necessary yards, to be paved and covered with good flagging stones, or both, as far as may be necessary, and with full power to make all necessary contracts, subject to the provisions herein contained, and to employ such agents, overseers and workmen as they shall deem necessary: *Provided*, that said commissioners shall not have the power to bind the state by contract for any greater amount than is hereby appropriated by this act, over the proceeds of the sale of the grounds and buildings of the old penitentiary at Alton until otherwise ordered by the general assembly; and they may contract for the construction of such part of the work in this section specified without making any arrangements as to the residue thereof.

§ 2. That the said commissioners appointed under and by virtue of this act, before they enter upon their duties hereby assigned them, or receive any moneys, shall give their bonds, with three or more sureties, to the state of Illinois, jointly and severally, to be approved by the governor, in the penalty of fifteen thousand dollars, conditioned faithfully and punctually to perform the duties required of them by this act. It shall be the duty of such commissioners to keep an accurate account of all moneys received and paid out by them, and to make a detailed report of all expenditures by them made, and the condition and progress of said buildings and work, and of all matters

Commissioners
to select site.Build peniten-
tiary, &c.Penitentiary at
Alton.Commissioners
to give bond,
keep account, &c.

and things connected therewith, as well as their actings and doings in the premises, to the auditor of public accounts, annually, on the first Monday of January, in each year.

Sec. 1. 1857. &c

§ 3. Said commissioners shall, as soon as practicable after the passage of this act, procure the ground for the site of said penitentiary, and such other land and stone quarries as they shall deem for the interest of the state, which are hereby provided for, and procure the titles thereof, to be made to the state, and shall proceed to erect and build or cause to be erected and built such part and portions of said penitentiary buildings as may be needed for the immediate use and occupancy of convicts, to the number of not less than one hundred.

Gov. 1857

§ 4. That said commissioners are hereby authorized and empowered to employ such and as many of the convicts confined in the penitentiary at Alton to labor upon the penitentiary buildings hereby authorized to be erected and the other works, as they may deem expedient and as they can contract with the lessee or warden of the penitentiary for, and for the best interest of the state, as soon as said penitentiary buildings are far enough advanced to safely keep such convicts.

Ap. 1857. 1858

§ 5. That there be and is hereby appropriated the sum of seventy-five thousand dollars for the purchase of lands authorized hereby and the erection and construction of the buildings and other works and appurtenances hereby authorized and paying the expenses and charges incident thereto and keeping and providing for convicts committed to said penitentiary; which said money shall be paid to said commissioners out of any money in the treasury not otherwise appropriated, on the warrant of the auditor of public accounts, in sums of not exceeding ten thousand dollars at any one time. The auditor of public accounts is hereby authorized and required to draw his warrant on the treasurer for the money hereby appropriated on receiving a certificate of said commissioners that such moneys are necessary for the purpose contemplated by this act, in sums not exceeding at one time, ten thousand dollars: *Provided*, that after said commissioners shall have drawn any amount of money by virtue of this act they shall not be entitled to draw or receive any more money by virtue hereof while there shall remain in their hands unexpended the amount of over one thousand dollars; and they shall produce to the auditor of public accounts proper vouchers showing the expenditure of such moneys.

Proviso

Procure 1857-58

§ 6. The said commissioners shall procure all necessary implements, tools and machinery to be used by the convicts on and about the building and erecting said penitentiary buildings, works and appurtenances, and procuring

the stone and necessary materials therefor, and shall furnish or cause to be furnished all necessary food, clothing and medical attendance for all convicts committed to said penitentiary; they shall cause to be sunk and constructed all necessary wells and cisterns, and shall cause to be constructed all necessary sewers and drains for carrying off water and filth from said penitentiary.

§ 7. That the convicts who shall be committed to said penitentiary shall be required to labor on and about the buildings and other works in the construction of said penitentiary and in getting out and preparing materials therefor until the same shall be completed, whenever, in the opinion of said commissioners, or any two of them, they shall be so employed.

Convicts to be employed.

§ 8. That the laws, rules and regulations for the government and conducting of the penitentiary at Alton, so far as they will apply, shall be applicable to the government and conducting of the penitentiary hereby created, except when the same shall come in conflict with this act.

What laws to govern officers.

§ 9. That the commissioners shall have the power and are hereby authorized to appoint, employ and pay all necessary overseers, guards, keepers and laborers on in or about said penitentiary, and for the safe keeping and care of convicts committed thereto.

§ 10. That whenever said penitentiary shall be sufficiently advanced in the construction thereof for the accommodation and safe keeping of convicts, the said commissioners shall certify that fact to the secretary of state, and the secretary of state shall thereupon notify all the judges of the circuit and other courts in the third grand division of the state wherein convictions can be had with power to send to the penitentiary; and from and after such notice all convicts sentenced to the penitentiary by any court in said third grand division shall be committed to the penitentiary hereby authorized to be built; but in case all so committed cannot be accommodated therein, then such portion as cannot be so accommodated shall be by the officer or officers having such convicts in charge taken to the penitentiary at Alton. The keeper or warden of such penitentiary shall receive all such convicts.

Convicts to be sent to new penitentiary.

§ 11. The commissioners hereby appointed or who shall be appointed by virtue of this act are fully empowered to do and perform every thing necessary to fully carry into effect the provisions and requirements of this act; to perform any and all necessary journeys for that purpose; and they shall each be allowed and paid the sum of five dollars for each and every day's service necessarily rendered or performed by them respectively under and for the purpose of carrying out the provisions hereof. Said commissioners shall keep accurate accounts of their said services and

Convicts to be sent to Alton.

Commissioners, duty and how paid.

Shall keep account of expenses.

expenses, and submit the same from time to time to the auditor of public accounts, and the said auditor shall allow and certify what he shall find to be justly due to said commissioners, and file said certificates of allowance in his office and issue his warrant on the state treasurer therefor; and the treasurer shall pay the same out of any moneys in the treasury not otherwise appropriated.

Yours, &c. Now
Signed

§ 12. That any two of said commissioners are hereby authorized to act, and to transact any and all business herein provided for as fully as if all were present. In case of the death, removal, refusal or inability to act of any one or more of such commissioners, or of the temporary absence of any one or more of them, the remaining commissioner or commissioners, as the case may be, shall appoint another or others to fill such vacancy or vacancies, either permanently or temporarily as the case may be, and every such appointee shall give bond with three or more sureties, as herein directed: *Provided*, that in the event of any temporary appointment under the provisions of this section, the bond may be approved by any one or more of the other commissioners.

Provided

Commissioners
to take bonds.

§ 13. That the commissioners appointed under and by virtue of this act, for the purpose of insuring the completion and fulfillment of all contracts entered into for the construction of any portion of the work herein authorized, or for furnishing materials therefor, are hereby required to take bonds from all persons who shall contract for such work, with good and sufficient security, conditioned for the faithful performance of their undertaking; which bonds shall be executed to the said commissioners for the use of the people of the state of Illinois; and for any violation of the conditions of said bonds, the commissioners shall have power, and are hereby authorized to commence and prosecute suits on the same in any court of competent jurisdiction.

May use materials
of old penitentiary

§ 14. The said commissioners, if they believe the interest of the state will be promoted thereby are hereby authorized and empowered to use, as far as practicable, the material of the old penitentiary at Alton in the erection of the new one, and to incorporate both penitentiaries into one, and to sell such of the materials of the old one as may not be needed in and about the erection of the new one, and make such contract with the city of Alton concerning the title of the prison grounds as they may deem for the best interests of the state, and also to sell and convey the ground owned by the state, in the city of Alton, upon which the old penitentiary stands, to the best advantage, either at public auction or otherwise, and apply the proceeds thereof in and about the erection of the new one: *Provided*, that if the said commissioners shall determine that the interest of the

Provided

state will be better promoted by having but one penitentiary, any existing lease on the old one shall be transferred to the new one, and be held as applying to it as fully and completely as though the same had been originally given thereon or executed therefor.

§ 15. It shall be the duty of the governor, by and with the advice and consent of the senate, to appoint a superintendent of the penitentiary, who shall hold his office for two years, and until his successor is appointed and qualified, whose duty it shall be to reside at the location thereof, and to exercise a constant, careful and watchful supervision over the prisoners confined therein; and to see that they are properly fed and clothed and provided for in sickness, and that no inhuman or cruel treatment shall be inflicted upon them, and for this purpose he shall at all times have free access to said prison, and to every department thereof, at his pleasure. No prisoner shall be punished without his written permission, nor with it in any cruel or inhuman manner; and any lease granted by the state to any person or persons upon or for said penitentiary shall be subject to the provisions of this section.

Superintendent
to be appointed

Duty.

§ 16. Said superintendent shall report quarterly to the governor the condition and treatment of the convicts in the said penitentiary, and take an oath to faithfully perform his duty, and shall receive as a compensation for his services the sum of one thousand dollars per annum, to be paid quarterly out of any money in the state treasury not otherwise appropriated; and the auditor of public accounts is authorized to issue his warrants therefor on the treasury, and to deliver the same to the said superintendent. In case the commissioners appointed under the provisions of this act shall not deem it for the best interest of the state to discontinue the old penitentiary at Alton, and merge it into the new one to be erected, then and in that case it shall be the duty of the governor to appoint another superintendent for the new penitentiary, who shall be vested with the same powers, be subject to the same regulations and requirements and receive the same compensation as the superintendent of the penitentiary at Alton receives.

Superintendent
to report.

Another superintendent
to be appointed.

§ 17. The law authorizing the appointment of inspectors of said penitentiary is hereby repealed. All the duties devolving on said inspectors or which are now by law required to be performed by them, shall devolve upon and be performed by the superintendent of the penitentiary.

Law repealed as
to inspectors.

§ 18. In addition to the amount which the lessee of said penitentiary may be by law required to pay the state annually for the use of said penitentiary, he shall expend the sum of five hundred dollars for the purchase of a suitable library for the use of the prisoners confined therein; and the said prisoners shall have free access to said library on

Lessee to pay additional
costs.

each and every Sabbath, under the direction of the superintendent, who shall take charge of the same, and see that it is properly preserved.

Insane convicts,
how treated.

§ 19. If any case of insanity shall occur in the state penitentiary, the patient shall at once be removed therefrom to the insane hospital, at Jacksonville, at the expense of the state; and should said patient recover before his or her term of service expires in said penitentiary, he or she shall be returned thereto, unless pardoned by the governor; the insanity, in all cases, to be determined by the prison physician.

Commissioners
to select site
and purchase
land for penitentiary.

§ 20. The said commissioners shall not expend any money or make any contract binding upon the state until after they have ascertained the extent and quality of land required for the use of such new penitentiary, and also a suitable site for the same, together with its cost, also the extent and quality of stone quarries necessary to be purchased for the use of such penitentiary and the cost of purchasing the same, also the best plan upon which to construct such penitentiary with detailed estimates of its cost, and report the same to a board to be composed of the governor, auditor and treasurer of this state; and if the said board shall approve of the selection of a site and a plan of constructing said penitentiary, and also of the cost as well as the cost of such lands, in writing, then the said commissioners may proceed to the execution of the powers and duties prescribed in this act in conformity therewith. There shall be associated with the above named commissioners, the following persons, to wit: William McMurtry and William B. Plato, whose duties, powers and responsibilities shall be the same with those of the other commissioners, and in case of the happening of any vacancy in the said board, the governor of this state, by and with the advice and consent of the senate, may fill the same. The said commissioners shall proceed to advertise for sealed proposals for the construction of the said penitentiary according to the plans approved as aforesaid to such extent as is contemplated by this bill, and they shall award said contract to the lowest bidder for the whole or any part thereof who shall offer satisfactory security for the performance of the contract.

Additional commissioners.

Commissioners
to advertise and
award contract.

§ 21. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 19, 1857.

AN ACT to locate a state road from Bloomington, in McLean county, to the state line of Indiana. In force April 20, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Linus Graves and William Thomas, of McLean county, and Alvin Gilbert, of Vermilion county, be and they are hereby appointed commissioners to lay out and establish a state road, beginning at the southwest corner of section three, township 23 north, of range 2 east, at Bloomington, in McLean county; and running thence due east on section lines, as near as practicable, through McLean and Vermilion counties, to the state line of Indiana. Commissioners to locate.

§ 2. That said commissioners shall meet on the third Monday of May next or as soon thereafter as convenient, at the city of Bloomington, and take an oath before some justice of the peace of McLean county, to perform the duties required of them by this act. To be sworn.

§ 3. When said commissioners shall have viewed and established said road, it shall be their duty to make their report, accompanied with a plat of said road, and shall file a copy of such report and plat in the office of the county clerk of each of said counties of McLean and Vermilion, which plat when so filed shall be evidence in all courts of this state of the existence of said road. Make and file report.

§ 4. The county court of each of said counties through which said road passes, shall allow to said commissioners a fair and reasonable compensation for their services aforesaid, in proportion to the amount of labor performed in each county. Expenses, how paid.

APPROVED Feb. 17, 1857.

AN ACT to repeal the sixth section of an act entitled "An act to amend the act entitled 'Fees and Salaries,' chapter forty-one, Revised Statutes, and to revive section seven, of chapter 41, of Revised Statutes." In force Feb. 19, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the sixth section of the act approved February 12th, 1849, entitled "An act to amend the act entitled 'Fees and Salaries,' chap. 41, Revised Statutes," be and the same is hereby repealed. Certain section of an act repealed.

§ 2. That section seven, of chapter forty-one, of the Revised Statutes, entitled "Fees and Salaries," be and the same is hereby revived and in full force. Section revived.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb. 17, 1857.

Be it enacted Feb. 18, 1857, AN ACT to provide for the manner of selling real estate of deceased persons for the payment of debts.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That when* it can be ascertained that the personal estate of any testator or intestate is insufficient to pay the just claims against his or her estate, and there shall be any real estate to which such testator or intestate had claim or title, and the executor or administrator has made a just and true account of the personal estate and debts to the county court having jurisdiction thereof, such real estate or such portion as may be necessary to satisfy the indebtedness of such testator or intestate, and the expenses of administration, may be sold in the manner herein provided.

§ 2. The mode of commencing the proceedings for the sale of real estate in such cases shall be by the filing of a petition by the executor or administrator in the county court or circuit court of the county where letters testamentary or administration were issued wherein the widow, heirs and devisees of the testator or intestate, and the guardians of any such that may be minors, and the actual occupants of the premises where the same or any part thereof may be occupied, shall be made parties defendants, if known, and if not known then they shall be made parties by the name of unknown parties.

§ 3. Upon the filing of the petition the clerk of the court where the same may be filed shall issue a summons, directed to the sheriff of the county in which the defendant resides, if the defendant be a resident of this state, requiring him to appear and answer the petition on the return day of the summons; and where there are several defendants residing in different counties, a separate summons shall be issued to each county, including all the defendants residing therein. Every summons shall be made returnable to the next term of the circuit court after the date thereof, or to the first or second term of the county court after the date thereof, unless the petition be filed within ten days immediately preceding any term, in which case the summons shall be returnable to the next term thereafter.

§ 4. The service of summons shall be made by reading thereof to the defendant or leaving a copy thereof at the usual place of abode, with some member of the family of the age of ten years and upwards and informing such person of the contents thereof, which service shall be at least ten days before the return day of such summons.

§ 5. Whenever any petitioner shall file in the office of the clerk of the court in which his petition is pending an affidavit showing that any defendant resides or hath gone out of this state, or on due inquiry cannot be found, or is

When personal
estate is insufficient
to pay
debts

Real estate may
be sold.

Summons to be com-
menced by pe-
tition

Clerk issues sum-
mons.

When there are
several defend-
ants

Service of sum-
mons, in what
way made.

Clerk shall pub-
lish notice in
certain cases.

concealed within said state so that process cannot be served on him, or that the persons required to be made parties or any of them are unknown, the clerk shall cause a notice of the pending petition, containing the names of the parties thereto, the title of the court, and the time and place of the return of the summons, and the description of the premises described in the petition, to be published for three successive weeks; the first to be at least thirty days before the return day of the summons, in some newspaper published in the county where the cause is pending, or if there be no newspaper printed in such county, then in the nearest newspaper to the place of holding the court where the cause is pending; but this proceeding shall not dispense with the issue of the summons, and the usual execution on the part of the sheriff to serve the summons. If thirty days shall not intervene between filing such affidavit and the return day of the summons, and the summons shall not be served the cause shall be continued to the next term. If thirty days shall intervene as aforesaid, or if service of process shall be made at least ten days theretofore, and the adult defendants shall not appear on the return day of the summons, the petition may be taken for confessed against such adult defendants.

Shall not dispense with summons.

Cause continued.

Petition taken as confessed.

§ 6. When it shall appear that any of the persons required to be made parties defendant are minors under the age of twenty-one years, without a guardian, resident in this state, or where such guardian, if any, shall not be personally served with summons, the court shall appoint a guardian *ad litem*; who shall be required to appear and defend in behalf of the minors aforesaid.

In case minors.

Guardian *ad litem*.

§ 7. Answers and replications may be filed and issues formed as in proceedings in chancery, which shall be tried by the court without a jury.

Answers &c., filed as in chancery.

§ 8. Upon a hearing of the cause upon the issues formed, or where default shall be taken, it shall be the duty of the court to hear and examine the allegations and proofs of the parties and of all other persons interested in said estate who may appear and become parties; and if upon due examination the said court shall ascertain that the executor or administrator has made a just and true account of the condition of said estate, and that the personal estate of the testator or intestate is not sufficient for the payment of the debts against such estate, the said court shall find as nearly as can be the amount of deficiency and how much, and if a part, what portion of the real estate described in the petition it will be necessary to sell to pay such deficiency, with the expenses of administration then due or to accrue, and make a decree for the sale thereof: *Provided*, that where any houses and lots or other real estate are so situated that a part thereof cannot be sold with-

Duty of court.

Further duty.

Proviso.

Overplus

out manifest prejudice to the heirs, devisees or owners, such court may in its discretion order the sale of the whole or such part as it may deem best; and the overplus arising from such sale shall be distributed among the heirs and devisees, owners or such other person as may be entitled thereto.

Sales how made

§ 9. The sales and conveyances made under any decree rendered under the provisions of this act shall be conducted and made as provided in sections one hundred and five and one hundred and six of chapter one hundred and nine of the Revised Statutes of 1845, entitled "Wills."

Appeals

Bond

Notice

§ 10. Any person claiming to be aggrieved by any decree rendered under the provisions of this act may appeal from the county court to the circuit court, by filing a bond in such sum as may be fixed by the county court, to be approved by the clerk of the county or circuit court in the office of either of said clerks within forty days from the day such decree may be rendered, and serving a notice thereof on the executor or administrator, before the sale shall be made. Writs of *certiorari* may be allowed at any time within six months to remove such cause into the circuit court for like causes and in the same manner as from judgments of justices of the peace.

Appeals to supreme court.

§ 11. Appeals and writs of error may be allowed in the circuit court as in other cases, from the circuit to the supreme court, either where the cause may be pending by appeal or as original cases therein.

Certain sections and acts repealed

§ 12. Sections 103, 104, 107, 108, 109 and 125 of chapter one hundred and nine of the Revised statutes, entitled "Wills," and all laws and parts of laws inconsistent with this act are hereby repealed. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

In force Feb. 18, 1857.

AN ACT to locate a state road therein named.

Commissioners.

To locate in the county of Christian.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Hugh Downey, of Montgomery county, Nathan Savage and Elijah Wells, of Macoupin county, be and they are hereby appointed commissioners to locate a state road, commencing on Bear Creek, in Christian county, at some point on the state road leading from Taylorville, in said county, to Saint Louis, Missouri, from one-half to two miles north of the township line between townships number eleven and twelve north; thence along the most practicable route

through the corner of Montgomery county, to the town of Girard, in Macoupin county; thence south-west the nearest and best route in the direction of the town of Chesterfield, in Macoupin county, to the state road leading from Cummington to Chesterfield.

§ 2. The said commissioners, or a majority of them, shall meet at the town of Girard, in Macoupin county, on the first day of April next, or within two months thereafter as they may agree upon, and upon being duly sworn before some justice of the peace of Macoupin county to faithfully and impartially discharge their duties as said commissioners, shall commence and lay out and locate said road on or near the route specified in the preceding section, and shall designate the route in the prairies by plowing a furrow or by driving stakes in the ground, and blazes on the trees in the timber.

§ 3. Said commissioners shall, as soon as the said road is located, make and file a report and plat of said road, showing the course and distances from point to point, which plat and report, when so made, shall be certified by said commissioners, and a copy thereof filed in the office of the clerk of the county court of the several counties through which the said road may pass, and shall make out and present to said several county courts certified copies of the time and number of hands necessarily employed in each county; and thereupon it shall be the duty of said courts to make a compensation for the sums severally due, allowing to each commissioner the sum of one dollar and fifty cents, to each hand one dollar and to the surveyor two dollars per day for every [day] necessarily employed in locating said road through their respective counties.

§ 4. Said road when so located shall be and the same is hereby declared a state road, and shall be opened four rods wide, and kept in repair as other state roads.

§ 5. This act to take effect from and after its passage.
APPROVED Feb. 18, 1857.

AN ACT to aid and encourage county agricultural societies.

In force Feb. 18,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the sum of one hundred dollars is hereby appropriated to the use of each and every agricultural society throughout the state, for the purpose of giving them aid and encouragement in the general object of promoting agricultural improvement; and the treasurer of this state is hereby authorized and di-*

Appropriated to
the county socie-
ties.

Treasurer to pay.

rected, when called upon for that purpose, to pay over to the treasurer or fiscal agent of each county agricultural society in the state, the sum of one hundred dollars on receiving his receipt therefor, accompanied by the certificate of the county clerk of each county respectively, where such agricultural society is located, that such society is organized, and that such treasurer, or fiscal agent, is authorized to receive and receipt for moneys in behalf of the same.

For year 1857.

§ 2. The grant of one hundred dollars to each county agricultural society as aforesaid may be demanded and received for the year 1857 by each and every county agricultural society that is now duly organized or that may be so organized on or before the first day of June next; and a further sum of one hundred dollars is granted to each county agricultural society throughout the state for the year 1858 that is now duly organized, or that may be so organized on or before the first day of June, 1858; and the treasurer of this state is hereby authorized and directed to pay over the same under the same conditions as prescribed in the first section of this act.

Year 1858

§ 3. This act is to take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

In force Feb. 18,
1857.

AN ACT to amend the several laws relating to plank roads.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in each county in this state in which there is or may be hereafter constructed a plank road, by virtue of any law, general or special, of this state, the county courts in counties not adopting the township organization, and the board of supervisors in counties adopting the township organization, at any regular or special term, may appoint three inspectors, not interested in any plank road, whose term of office shall continue two years, or until their successors are appointed and qualified; and the said court or board, at any time, may fill vacancies.

Inspectors to be
appointed.

Term of office

Sworn.

Further duties

§ 2. Before entering on their duties the inspectors appointed according to the provisions of this act shall take an oath faithfully to perform the duties of their office and file the same in the office of the clerk of the county court. And in addition to the duties of plank road inspectors prescribed in an act entitled "An act to provide for the construction of plank roads by a general law," such inspectors, or any two of them, when ordered by the county commis-

sioners court, or by the board of supervisors of any county, shall within fifteen days after being thus ordered, inspect any plank road in their respective counties, having given five days notice to the company owning the plank road ordered to be inspected of the time of such inspection by leaving a written notice with some agent or officer of such company; and if upon such inspection, they or any two of them shall deem such plank road out of repair and not fit for use, they shall throw open the toll gates on such plank road, and shall make a certificate of the facts and file the same for record in the clerk's office of the county court. And after the toll gates on any plank road are thrown open by the inspectors, as aforesaid, no toll shall be collectable by the company owning such plank road until the inspectors, upon the request of such plank road company, shall examine such plank road and make and file for record in the county clerk's office a certificate that the same is in good repair and fit for use; and the demanding or taking of toll by any plank road company when the gates are thrown open by the inspectors, shall render such company liable to a fine of ten dollars, to be recovered before any justice of the peace of the county, in the name and for the use of the county.

Inspect plank
roads.

Notice to com-
panies.

Open gates and
make certifi-
cate.

Fine.

§ 3. Said inspectors shall be entitled to three dollars per day for services rendered, to be paid by the party ordering or requesting such services to be rendered, and the clerks for filing and recording certificates shall be allowed the usual compensation for such services, to be paid by the county.

Compensation of
inspectors and
how paid.

§ 4. Certified copies of any certificate of said inspectors of the record thereof shall be sufficient legal evidence of the facts therein stated, in any court in the state. And in all actions commenced by any plank road company to recover toll, or to recover any penalty for the non-payment or for avoiding the payment of toll, the defendant or defendants may plead that the toll gates on the road of such company were thrown open by the inspectors, or that such plank road was out of repairs and unfit for use, at the time the cause of action accrued; and due proof of either of said facts shall constitute a sufficient bar to a recovery in any such action: *Provided*, that parties requesting the inspection called for under this act shall deposit with the county clerk a sufficient sum of money to defray the expenses of such inspection, which sum of money so deposited shall go into the county treasury if the commissioners shall decide that such examination was uncalled for; but if the commissioners shall decide said road to be out of order and require repairs to be made, then and in that case the money shall be returned to the depositor.

Copies of certifi-
cate evidence.

Proof.

Proviso.

§ 5. This act to take effect from and after its passage.
APPROVED Feb. 18, 1857.

In force Feb. 18, 1857. AN ACT entitled an act to amend an act entitled "Notaries Public," approved March 3d, 1845.

Additional cities.

Certificate from mayor.

Petition

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the governor of the state, by and with the consent and advice of the senate, in addition to the five notaries public allowed in cities, towns and villages, shall appoint and commission one notary public in incorporated cities for any one thousand over ten thousand inhabitants in said cities, taking the preceding census of said city as a basis; and every person making application for such appointment shall furnish the governor a certificate from the hand and seal of the mayor of said city, showing the population of said city; and said notary public shall be appointed on petition in the same manner and shall perform the same duties and be liable to the same responsibilities as prescribed in said chapter entitled "Notaries Public," approved March 3d, 1845.

§ 2. This act to be in force from and after its passage.
APPROVED Feb. 18, 1857.

In force Feb. 18, 1857. AN ACT to relocate a part of the Rushville and Commerce state road.

Commissioners to review and relocate.

Make report and plat.

Surveyor.

Pay of

to review and

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James A. Weston, Reuben Jacoby, John Boothe, be and are hereby appointed commissioners to review, relocate that part of the Rushville and Commerce state road which lies between the east line of section twenty-seven, in township five north, in range six west, and the public square in the town of Carthage, in Hancock county, Illinois. That said commissioners within one year from the passage of this act take an oath before some justice of the peace of said county of Hancock, faithfully to perform their duties as such commissioners, and that they thereupon proceed to review and relocate said road, between the points aforesaid, and make and file a report of such view and plat of such location in the office of the county clerk of said county of Hancock. That they employ a surveyor and necessary hands to make such survey and relocation; that said commissioners be allowed two dollars per day while engaged therein, and that the board of supervisors of said county of Hancock, be and is hereby required to pay said commissioners, surveyor and hands for the labor necessarily done by them in and about such review, relocation and plat of said road. That upon the report and plat of said review and reloca-

tion being filed with the clerk of said county, and the right of way being obtained, such road shall be the state road, and the present road, so far as the same runs upon a different line than that of the relocation, shall be vacated; and this act shall take effect and be in force after its passage.

APPROVED Feb. 18, 1857.

AN ACT to extend the jurisdiction of the county court of Will county. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the jurisdiction of the county court of Will county is hereby so extended that said court shall have concurrent jurisdiction with circuit courts of this state in all cases of application by guardians to sell real estate situated in said county, and of all petitions for partition, and the setting apart of dower; and the said court may proceed in the same manner and with the same force and effect as is now by law provided for proceedings in the circuit courts in like cases.

Jurisdiction ~~ex-~~
tended.

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to establish a state road therein named, in St. Clair county. In force April 30, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Wesley Crain, of Washington county, and E. Slade and Alfred Moore, of St. Clair county, be and are hereby appointed commissioners to view, mark out and locate a state road from a point on the Mississippi and Ohio railroad where the counties of St. Clair and Clinton crosses the same; thence to run south with the said county lines of St. Clair and Clinton, on the eastern side of St. Clair county line, sufficient width to establish said road in the county of St. Clair, through township one north, six west, and township one south, six west, in St. Clair county, crossing the Kaskaskia river with said county line on the east side of section numbered twenty-five, in town one south, range number six west, in St. Clair county; thence on the best and most eligible route to Elkton, in Washington county.

Commissioners.

View and locate.

To be sworn.

§ 2. The said commissioners or any two of them may meet before any justice of the peace within either the county of St. Clair or Washington on or before the first day of September next, and take an oath faithfully to discharge the duties required of them by this act, and shall proceed to view, mark and locate said road four rods wide, on the course therein stated, having in view the nearest and best route.

Width of road.

Make report.

§ 3. Upon such location being made, the said commissioners, or any two of them, shall make a report of the same to the county court in the counties in which said road shall be located, which report and a survey thereof shall be filed with each of the county clerks. Upon filing of the same the said clerks shall notify the several supervisors of said road of the same, and cause the said road thereupon to be opened and kept in repair in the same manner that other state roads in the state.

File with county clerks

Expenses how paid

§ 4. The county of St. Clair and Washington, through which said road is located, shall pay said commissioners two dollars and fifty cents per day, and some competent surveyor, who may make the survey thereof and plat the same, the sum of four dollars per day for each and every day that they may be so employed in said work, and all other charges incidental to said work, the same to be paid by the said counties equally.

APPROVED Feb. 16, 1857.

In force, Feb. 16, 1857. AN ACT to review and relocate a portion of a state road therein named.

Commissioners to locate.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Anderson and Nathan Land, of St. Clair county, and George Eisenmeyer, of Clinton county, be and they are hereby appointed commissioners to view and locate so much of the state road known as the Belleville and Nashville road, from a point on said road at Griffin and McCulloch's line, joining the land of Charles and George Rayhill; thence to run east between the farms of said Charles and George Rayhill, in St. Clair county, to Eisenmeyer's farm, in Washington county, running through part of Clinton county; said relocation to be made as follows, to-wit: beginning at the above point; thence east, following the section and quarter sectional lines running east and west to the northeast corner of the southeast quarter of the

southeast quarter of section numbered two (2) on said course, or so much so as to cause as little damage to the owners of property as possible, so as to locate the same on the nearest and best route to said ferry; the same however, to intersect that portion of said road already laid out between sections numbered one and twelve; thence to Van Winkle, on the Clinton and St. Clair county line, to the aforesaid ferry, on the Kaskaskia river.

§ 2. The said commissioners, or a majority of them, shall meet on or before the first day of March, or so soon thereafter as convenient, at the town of Mascoutah, in St. Clair county, and take an oath before some justice of the peace of said county well and truly to perform the duties required of them by this act, and thereupon proceed so to do. Take oath

§ 3. When the said commissioners shall have reviewed the ground and relocated the said road, it shall be their duty to cause to be made out, by some competent surveyor, a plat, accompanied with a survey thereof, showing said relocation, and file the same together with their report with the clerk of the county of St. Clair, and also cause to be made out a like copy and sent to the clerk of the county of Clinton. Surveyor to make plat.
File report

§ 4. That said plat or a certified copy thereof shall be evidence hereafter in all courts in this state; and after said plat shall have been made out as aforesaid and returned to the clerk of the said counties, the said clerk shall order the supervisor of said district to labor upon and open the same, and to keep the same in repair as other state and public roads in this state. And so much of the old road affected by such relocation is hereby declared vacated. Road opened.
Road vacated.

§ 5. The said counties of St. Clair and Clinton shall pay the expenses incident to the said location of road, in proportion to the survey of same in each county respectively. The said commissioners shall be allowed each two dollars and fifty cents per day for every day so employed, each county paying their commissioners, and also be allowed to employ some competent surveyor at a cost not to exceed five dollars per day, which shall be paid by the respective counties as aforesaid. Expenses, not paid.

§ 6. This act shall be deemed a public act and take effect from and after its passage.

APPROVED Feb. 18, 1857.

Inf. Apr. 20, AN ACT making appropriations for the Hospital for the Insane and the Institution for the Education of the Deaf and Dumb.
1857

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the trustees of the Illinois State Hospital for the Insane be and they are hereby authorized and required to proceed without delay to complete the building of said institution according to the original plan and design thereof; also to enlarge the building in the rear of the main edifice, and to make such change in the connection of the said buildings as the wants and safety of the institution require; also to provide for heating the halls of the centre building and the additional wings authorized to be constructed by this act, and to make such other necessary additions and improvements as may be required to increase the capacity and curative ability of said institution.

§ 2. The trustees of said hospital for the insane shall let the contract for the erection of the additional buildings provided for by this act to the lowest responsible bidder; and to enable them to execute the provisions of this act, the sum of thirty-three thousand three hundred and thirty-three dollars and thirty-three cents is hereby appropriated to said institution for the year eighteen hundred and fifty-seven, and thirty-three thousand three hundred and thirty-three dollars and thirty-three cents for the year eighteen hundred and fifty-eight, payable out of any money in the treasury not otherwise appropriated, in such sums and at such times as may be required for use: *Provided, however,* that the trustees of the hospital for the insane for [before] making any contract for additional buildings, shall give notice in the State Register and Journal, of Springfield, the Chicago Times and Chicago Tribune, of Chicago, and the Illinois Sentinel and Morgan Journal, of Jacksonville, for at least six weeks, that sealed proposals will be received for such buildings up to such time, the notice to give description of the kind and extent of the improvements to be made, and all other necessary specifications: *Provided,* that in making additions to the building herein provided for, suitable and effective provisions shall be made for the reception and safe keeping of that class of patients deemed dangerous and denominated homicidal and suicidal, and such patients shall be detained in the institution whether deemed curable or not: *Provided,* the number of such inmates shall at no time exceed fifty.

§ 3. The sum of two thousand dollars is hereby appropriated for lighting the Institution for the Education of the Deaf and Dumb with gas, and to furnish the necessary fixtures for the same; the sum of fifteen hundred dollars to procure the necessary furniture for said institution; the

sum of nine thousand dollars for apparatus for heating, and the sum of five thousand dollars for completing the building of said institution, to be paid out of any money in the treasury not otherwise appropriated.

APPROVED Feb. 16, 1857.

AN AGT to relocate a portion of the Carthage and Worcester state road. In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That R. M. Neider, A. J. Griffith and Reuben Jacoby be and they are hereby appointed commissioners to relocate as much of the state road leading from Carthage, Hancock county, Illinois, to Macomb, in McDonough county, known as the Carthage and Worcester state road, as lies between Carthage and Crooked Creek bridge.* Commissioners. their duty.

§ 2. That said commissioners shall meet at the court house in Carthage as soon as convenient after the passage of this act and take an oath before some justice of the peace, or other qualified officer, well and truly to perform the duties required of them by this act. To be sworn.

§ 3. When the said commissioners shall have reviewed said ground, and shall have relocated said road, it shall be their duty to make out a plat of the road so relocated and lay it before the board of supervisors of Hancock county as soon as practicable after the completion of the same, and the road so located or part thereof between Carthage and said bridge, if only a part, is hereby declared to be a state road, upon the filing of said plat with the county clerk of said Hancock county; and so much of the old road as may be affected by said relocation is hereby vacated. Make report. Road vacated

§ 4. The said plat shall be evidence hereafter in all courts in this state; and it shall be the duty of the clerk of the county court of Hancock county aforesaid to record said plat on the records of the board of supervisors, and said board of supervisors shall allow to said commissioners a reasonable compensation for the services required by this act. Plat evidence Expenses, how paid.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

in force Feb- 18. AN ACT to amend an act entitled "An act to amend an act establishing
1857 county courts" approved February 12, 1849, and extending the juris-
diction of La Salle, Winnebago, Boone and McHenry county courts, ap-
proved February 27, 1854.

Boone and Winnebago - SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the jurisdiction of the county courts of Boone and Winnebago counties is hereby so extended that the said said courts shall have concurrent jurisdiction with the circuit courts of this state of all matters, suits, actions and proceedings in civil cases both at law and equity without reference to the amount due or claimed, or the value of the property in controversy.

Appeals - § 2. In addition to the jurisdiction conferred upon said Boone and Winnebago county courts by the fourth (4th) section of the act to which this is an amendment, all appeals and writs of *certiorari* taken and prosecuted from decisions of justices of the peace, police magistrates and other inferior tribunals in said counties in cases of assault and battery and misdemeanors punishable by fine only, not exceeding one hundred dollars, shall be taken to and prosecuted out of said county courts.

Act amended, as to appeals - § 3. Section four (4) of the said act to which this is an amendment is hereby so amended that all appeals and proceedings in the nature of appeals and writs of *certiorari* taken and prosecuted from decisions and judgments of justices of the peace, police magistrates and other inferior tribunals in said counties in all cases whatsoever, shall be taken to and prosecuted out of said county courts.

Justice, law and equity - § 4. Section six of said act to which this is an amendment is hereby so amended that traverse juries for the March and September terms of said courts shall be selected and summoned in the same manner and for the same cause as is now provided for selecting and summoning juries for the June and December terms of said courts: *Provided*, traverse juries need only be summoned for such terms of said court as in the opinion of the judges thereof the business pending therein shall require.

Judgments by confession - § 5. Judgments by confession may be entered in said courts in vacation in the same manner as now provided by law, without reference to the amount for which judgment is confessed.

Practice - § 6. It is hereby declared that the provisions of the second section of chapter eighty-three of the Revised Statutes, entitled "Practice," shall be applicable to said county courts.

Justices may interchange - § 7. The said judges of said county courts may interchange and hold each other's courts as they may agree to do the same; and in all cases in which either of said judges shall be interested in any matter or proceeding pending or being in either of the said courts, whether on the probate,

common law or chancery side thereof, or whether such interest in such matter or proceeding shall arise or now exist by reason of either of said judges being guardian or otherwise, it shall be lawful for said judges to interchange and hold each other's courts for the transaction and determination of all such business, matters or proceedings as either of said judges shall be interested in; and when either of said judges shall, by death, resignation or removal from office, become unable to hold any court in his county or transact business as judge of said court, it shall be lawful for the other judge to attend in said county and hold said court therein and exercise all the powers and jurisdiction both in term time and vacation that he might or could legally do in the county in which he may reside, until the causes aforesaid which authorize such judge to exercise such power and jurisdiction in such county shall be removed.

In case of death
or otherwise

§ 8. For the purpose of hearing and determining applications for discharge by insolvent debtors, in all cases now provided or which may hereafter be provided by law, the said county courts shall at all times be deemed to be open and in session.

Insolvent debtors
&c.

§ 9. If either party in any civil cause in law or equity, which may be depending in either of said county courts, shall fear that he will not receive a fair trial in the court in which the action is pending, on account that the judge of said court is interested or prejudiced, or is related to or shall have been of counsel for either party in said cause, or that the inhabitants of such county are prejudiced against the applicant so that he cannot expect a fair trial in such county, such party may apply to the court in term time by petition setting forth the cause of the application and praying a change of venue, accompanied by an affidavit verifying the facts in the petition stated; and such court, reasonable notice of the application having been given to the other party or his attorney, shall award a change of venue therein, as follows: if the application is made on account of the prejudice, interest or relationship of the judge to either party as counsel or otherwise as above provided, then the venue shall be changed to the circuit court of the county in which said cause shall be pending; if the application shall be made on account of the prejudice of the inhabitants, as above provided, then the venue shall be changed to the other county named in this act: *Provided*, that neither party shall have more than one change of venue: *Provided further*, that the venue shall not be changed in causes where there are two or more plaintiffs or defendants, unless the application is made by or with the consent of all the plaintiffs or defendants as the case may be: *Provided further*, that no change of venue

Change of venue,
when may be
taken.

To what court

Provide.

Further provide

shall be granted after the first term of the court at which the party applying might have been heard.

By agreement:

§ 10. And in any and all suits and proceedings pending in said county courts, the parties thereto may, by agreement, have a change of venue from one to the other, or to the circuit court of the county in which suit may be pending. Upon the award of a change of venue in said courts in any cause as above provided, the clerk of the court from which the change is taken shall make out a full transcript of the record and proceedings in such cause, and shall certify and transmit the same to the proper court, together with all papers filed in the cause and appertaining or forming a part of the record thereof; and the clerk of the court to which such cause is certified shall file the same, and the cause shall be docketed by such clerk, and shall be proceeded in and determined by the court, in all things as well before and after judgment, as if it had originated therein. The benefit of all the provisions of chapter 106 of the Revised Statutes, entitled "Venue," shall extend to changes of venue under this act so far as the same are applicable.

Transcript to be made and filed.

Chapter 106, Revised Statutes, applicable.

§ 11. The provisions of this act shall only be applicable to the counties of Boone and Winnebago.

§ 12. This act shall be in force from and after its passage.

APPROVED Feb. 18, 1857.

In force Feb 16, 1857.

AN ACT concerning sheriffs and jailors in this state.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of an act to amend the law in relation to jails and jailors, approved February 28th, 1847, be so amended as to allow sheriffs or jailors fifty cents per day for dieting prisoners, instead of thirty-seven and a half cents per day, as now allowed by said act.

Food of prisoners, law amended.

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to refund the taxes on certain lands sold in error.

In force April 20,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby authorized to issue his warrant on the treasury of the state to Stacy B. Opdycke, for the sum of two hundred and ninety-five dollars and eighty-seven cents, the amount paid by him into the treasury on the twentieth day of January, A. D. one thousand eight hundred and thirty-one, on a sale for the taxes and costs on claim No. 1740, of 28,800 acres of land assessed for the year 1830, with interest thereon at the rate of six per cent. per annum, which said claim the congress of the United States have refused to sanction: *Provided, however,* that the said Stacy B. Opdycke shall first file with the auditor a full relinquishment of all his right to said claim to the state of Illinois.

To refund money

APPROVED Feb. 16, 1857.

AN ACT to locate a certain state road therein named.

In force Feb. 16,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That J. D. Ludlow and Richard Claypool, of Champaign county, and Gideon Camp, of Vermilion county, be and they are hereby appointed commissioners to view, survey, mark and locate a state road, commencing at the point where the Danville and Ottawa road leaves the north line of section thirty-six (36,) township twenty-three (23) north, range ten east of the third principal meridian, and running from thence west on the section line as near as may be deemed practicable, to the northwest corner of the northeast quarter of the northeast quarter of section thirty-two (32,) township and range aforesaid, and from thence on the most direct and particular route to the town of Pera, on the Illinois Central railroad, and intersecting the Bloomington road at that point. Said commissioners, or a majority of them, shall within twelve months after the date of the passage of this act, meet at some convenient point to be agreed upon by themselves, and after taking an oath before some person authorized by law to administer oaths, faithfully to perform the duties required of them by this act shall proceed to view, survey, mark and locate said road, which road shall be of the width of forty feet. Said commissioners shall make a report of the location of said road, giving the most noted points thereon, and shall return a copy of said

Commissioners
appointed.

To locate road
and where.

To meet and be
sworn.

Duties.

Report.

Filed

reports to the clerk of the county court of each of the counties through which said road shall pass, which shall be filed by him in his office; and said road thus laid out is hereby declared a public state road and shall be opened and kept in repair in the same manner as other public roads are.

Expenses, how
and by whom
paid

§ 2. The county courts or board of supervisors of the respective counties in which said road shall be located, shall cause to be paid to said commissioners, their surveyors and attendants, a reasonable compensation for their services, out of the county treasury, each county to bear her equal proportional part of said expenses, according to the distance said road passes through the same.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

In force Feb. 18,
1857

AN ACT to relocate the state road herein named.

Commissioners,
their duty

[SECTION 1.] *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William Leighton, Ranson Babcock and Thomas Faulkner are hereby appointed commissioners to review and relocate the following portion of the state road leading from Knoxville, in the county of Knox, to Cambridge, in the county of Henry, commencing at the intersection of said road with the Central Military Tract railroad, at or near the north-west corner of section twenty-one, in township twelve north, of range two east of the fourth principal meridian; thence along the east side of said railroad to the north line of the southwest one-fourth of the southwest quarter of section sixteen, in township aforesaid; thence east to Main street in the town of Wataga; thence along the line of said street to the centre of said section sixteen; thence north on the half section line to the north line of said section; thence east on the north line of said section to the railroad aforesaid; thence along the west side of the said railroad to the town of Oneida; thence along some of the streets of said town and along said railroad to the east line of township thirteen north, of range three east of the fourth principal meridian; thence north on the east line of said township to the line of the road as at present located. And that at least so much of said road as now lies on the west line of the south half of section sixteen, in township twelve north, two east, may be taken up and vacated.

Land vacated

§ 2. This act to be in force from and after its passage.
APPROVED Feb. 18, 1857.

AN ACT to establish a state road from Sarahsville, in Williamson county, to McLeansboro, in Hamilton county. In force April 26, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Robert P. Erwin, William N. Mitchell, of Williamson county, Warren McCreery, of Franklin, and Nathaniel Harralson, of Hamilton county, be and they are hereby appointed commissioners to lay out and establish a state road from Sarahsville, in Williamson county, to McLeansboro, in Hamilton county. Commissioners appointed.
Establish a road

§ 2. It shall be the duty of said commissioners to proceed to Sarahsville, in the county of Williamson, on the first Monday after the passage of this act or as soon thereafter as they may find it convenient, and after having been sworn by some acting justice of the peace of said county, to view, mark and locate a road as above designated, having due regard to private property. To be sworn.
Locate.

§ 3. When said commissioners shall have laid out and established the said road as aforesaid, they shall make out and deliver to the clerk of the counties through which said road passes, a copy or plat of said road; which plat when so received by said clerks shall be entered of record in their several offices; and the said entries when so made shall be evidence in all courts in this state of the existence of said road. Make plat.
Plat to be recorded.

§ 4. The county court of the several counties through which said road passed shall allow to the said commissioners and to the said clerks a reasonable compensation for their services rendered as aforesaid, in proportion to the amount of labor performed in each county. Expenses, how paid.

APPROVED Feb. 16, 1857.

AN ACT to establish a state road in the counties of McLean and Livingston. In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Thomas Fell and William M. Smith, of McLean county, and Nelson Buck, of Livingston county, be and they are hereby appointed commissioners to locate a state road, commencing at the southeast corner of section six, town twenty-five north, of range four east; running thence east on said section line to the southeast corner of section two in said town and range; thence north one mile to the township line; thence east on said township line to the northeast corner of section thirty-five, township twenty-six north, Commissioners, their duty.

Meet and be sworn

Survey and locate road and make report.

Report to be filed

Expenses, how paid.

range five east; thence north one-half mile; thence east across section thirty-six north, range five east, to the east line of said township, in Livingston county, or as nearly on said route as is practicable. The said commissioners, or a majority of them, shall meet at the town of Lexington, in McLean county, on the first Monday of May next or as soon thereafter as shall suit their convenience, and after taking an oath before some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to view, survey, mark and locate said road, and shall make a report to the clerk of the county court of each of said counties through which said road passes, which shall be filed by him in his office; and said road thus laid out is hereby declared a public state road, and shall be opened and kept in repair in the same manner as other public roads are.

§ 2. The county court of the respective counties in which said road shall be located shall cause to be paid to the said commissioners a reasonable compensation for their services, out of the county treasury, each county to pay her equal proportion as part of said expenses, according to the distance and actual expense of said road in each county.

This act to take effect from and after its passage.

APPROVED Feb. 18, 1857.

In force April 18, 1857. AN ACT to relocate a portion of certain state roads herein named, in the county of Perry.

Commissioners.

Relocate

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That E. B. Rushing, J. M. Sullivan and Robert Fallon, of Perry county, be any they are hereby appointed commissioners to relocate so much of the state road leading from Chester, in Randolph county, to Pinckneyville, in Perry county, as herein specified, to wit: beginning at the point where the present road intersects the south line of the west half of the northwest quarter of section twenty-three, in town five south, of range three west of the 3d P. M.; running thence east upon the quarter section line dividing sections twenty-three and twenty-four of said town and range, to the town plat of the town of Pinckneyville, in the county of Perry.

§ 2. *Be it further enacted,* That the aforesaid persons view and relocate so much of the state road leading from the town of Pinckneyville, in Perry county, to Belleville, in St. Clair county, as herein specified, to wit: beginning at the point where the present road crosses the station line

on the east side of section fifteen, in town five south, of range three west of the third principal meridian; running thence southeast on the most direct line to the southwest corner of the northeast quarter of the northwest quarter of section twenty-three, town five south, range three west; thence east upon the line dividing the north half of section twenty-three and twenty-four to the tract of land owned by the Pinckneyville Mill Company; thence on a direct line to the street running east and west through the town of Pinckneyville, on the south side of the public square.

§ 3. That said commissioners meet on the first day of April next, or as soon thereafter as may be convenient, at Pinckneyville aforesaid, and take an oath before some justice of the peace of Perry county, faithfully to perform their duties as such commissioners pursuant to this act. That said commissioners after taking such oath, proceed to view said roads and relocate the same, and make an accurate plat of said roads as relocated by them, and file the same with their report in the office of the county clerk of said Perry county as soon as practicable after the completion thereof; and so much of said roads as shall be so relocated are hereby declared to be a part of the state roads as aforesaid from and after said report and plat shall have been filed in the clerk's office as aforesaid. So much of said old roads as are affected thereby are hereby vacated, to take effect after said report and plat shall have been filed as aforesaid.

This act to be in force from and after its passage.

APPROVED Feb. 18, 1857.

Sworn.

File report in clerk's office.

Roads vacated

AN ACT for the purchase of certain copies of the Statutes of the State of Illinois, compiled by Hon. Walter B. Scates, Hon. Samuel H. Treat and Robert S. Blackwell.

In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the secretary of state be and is hereby directed to purchase of D. B. Cooke & Co., publishers, of the city of Chicago, two thousand copies of the Statutes of Illinois, now being compiled by the Hon. Walter B. Scates, Hon. Samuel H. Treat and Robt. S. Blackwell: Provided, such purchase shall not be made unless said statutes shall, upon being examined by the justices of the supreme court of this state, be approved by them: And provided, farther, that each copy of the said statutes shall not exceed one volume.*

Secretary of state to purchase

To be in one volume.

Price.	§ 2. The price which shall be contracted to be paid for the said copies of the said statutes shall be five dollars per copy: <i>Provided</i> , the quality of the paper and binding of the said statutes shall be equal to the 16th volume of Illinois
Quality.	reports, and incorporate the laws and acts of the present session of the legislature that are of a general nature; the said volume to be gotten up on the plan of Swan's Revised Statutes of Ohio, with side notes and references, together with full and copious indexes.
Ind. to acts of 1857.	§ 3. The treasurer of state shall pay to the said D. B. Cooke & Co., out of money in the treasury not otherwise appropriated, for said copies of statutes, upon the warrant of the auditor of state issued for that purpose.
Now paid for.	§ 4. The auditor of state shall issue his warrant to said D. B. Cooke & Co., for the amount contracted to be paid for said statutes as aforesaid, upon the certificate of the secretary of state, of the delivery of the same to him at Springfield, and the certificate of the said justices of the supreme court of their approval of the said statutes, and that the mechanical execution of the same is in accordance with the requirements of this act; and the secretary of state shall distribute the said statutes so to be purchased, as by law the decisions of the supreme court are required to be distributed, also to all justices of the peace throughout the state.
Auditor to issue warrant.	§ 5. In case the number of copies of the said statutes thus to be distributed shall prove insufficient for the purposes for which they are designed, the secretary of state shall have power to contract for any additional number which may be required, not exceeding one thousand copies, upon the same terms upon which the present number of copies are purchased.
Certified to.	§ 6. The secretary of state shall furnish the compilers of the said statutes thus to be purchased, with early certified copies of the laws and acts of the present session of the legislature.
Secretary to distribute.	§ 7. The purchase aforesaid shall not be made unless the said two thousand copies of the said statutes shall be delivered to the secretary of state within one year from the passage of this act; and this act shall take effect and be in force from and after its passage.
Additional number.	
Duty of secretary of state.	
When to be delivered.	

APPROVED Feb. 16, 1857.

AN ACT to amend chapter fifty-one of the Revised Statutes, entitled "Inclosures and Fences," In force April 20, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That where two or more persons shall have lands adjoining, each of them shall make and maintain a just proportion of the division fence between them, except the owner or owners of either of the adjoining lands shall choose to let such land lie open.

Fences, how maintained.

§ 2. When any person shall have chosen to let his land lie open, if he shall afterward inclose the same, or if any owner of land adjoining upon the inclosure of another, he shall inclose the same upon the inclosure of another, he shall refund to the owner of the adjoining lands a just proportion of the value at that time of any division fence that shall have been made by such adjoining owner, or he shall immediately build his proportion of such division fence.

When land lies open and afterwards inclosed.

§ 3. The value of such fence and the proportion thereof to be paid by such person and the proportion of the division fence to be made and maintained by him, in case of his inclosing his land, shall be determined by any two fence viewers of the town, in counties where township organization shall have been adopted, and in other counties by any two fence viewers of the county.

Value of fences, how determined.

§ 4. If disputes arise between the owners of adjoining lands concerning the proportion of fence to be made or maintained by either of them, such disputes shall be settled by any two of the fence viewers of the town, in counties where township organization shall have been adopted, and in other counties by any two fence viewers of the county, and in such cases it shall be the duty of the two fence viewers to distinctly mark and define the proportion of the fence to be made or maintained by each.

Disputes, settled.

§ 5. When any of the above mentioned matters shall be submitted to fence viewers, each party shall choose one, and if either neglect after eight days' notice to make such choice the other party may select both.

Viewers, chosen.

§ 6. The two fence viewers so chosen shall examine the premises and hear the allegations of the parties. In case of their disagreement they shall select another fence viewer to act with them, and the decision of any two of them shall be final upon the parties to such dispute, and upon all parties holding under them.

Examine premises.

Decision to be final.

§ 7. The decision of the fence viewers shall be reduced to writing, shall contain a description of the fence and of the proportion to be maintained by each; and their decision upon any other point in dispute between the parties, submitted to them as aforesaid, and shall be forthwith filed in the office of the town clerk, or in the office of the circuit

Decision reduced to writing and filed.

court in counties which shall not have adopted township organization.

Persons refusing
to make fence,
other party to
make.

§ 8. If any person who is liable to contribute to the erection or reparation of a division fence shall neglect or refuse for the period of four weeks after notice in writing so to do, to make and maintain his proportion of such fence, the party injured may make or repair the same at the expense of the party so neglecting or refusing, to be recovered from him with costs of suit; and the party so neglecting or refusing, after notice in writing, shall be liable to the party injured for all damages which shall thereby accrue, to be determined by any two fence viewers selected as above provided, and the fence viewers shall reduce their appraisement of damages to writing and sign the same.

Expenses of, how
recovered.

Partition fence,
how remove it.

§ 9. If any person who shall have made his proportion of a division fence shall be disposed to remove his fence and suffer his lands to lie open, after having first given the adjoining owner at least sixty days' previous notice in writing of his intention so to do, he may at any time between the first day of December, in any year, and the first day of April following, but at no other time, remove the same.

Damages in case
of removal with-
out notice.

§ 10. If any such fence shall be removed without such notice, the party removing the same shall pay to the party injured all such damages as he may thereby sustain, to be recovered with costs of suit.

Division fence
destroyed, how
repaired.

§ 11. Whenever a division fence shall be injured or destroyed by fire, floods or other casualty, the person bound to make and repair such fence or any part thereof shall make or repair the same, or his just proportion thereof, within ten days after he shall be thereto required by any person interested therein, such requisition to be in writing and signed by the party making the same.

In case of neg-
lect to do so.

§ 12. If such person shall neglect or refuse to make or repair his proportion of such fence for the period of ten days after such request, the party injured may make or repair the same at the expense of the party so refusing or neglecting, to be recovered with costs of suit.

Viewers exam-
ine witnesses.

§ 13. Fence viewers may examine witnesses on any and all questions submitted to them, and either of such fence viewers shall have power to issue subpoenas for and administer oaths to such witnesses.

In what courts
justices to be
viewers.

§ 14. In all counties which shall not have adopted township organization justices of the peace shall be *ex-officio* fence viewers of the county.

Viewers, how
paid.

§ 15. Fence viewers shall be entitled to one dollar and fifty cents per day each for the time necessarily spent, as above provided, to be paid in the first instance by the party requiring the services, and all expenses of the view shall be borne equally between the parties, except in case of

view to appraise damages for neglect or refusal to make or maintain a just proportion of a division fence, in which case the costs of view shall be paid by the party in default, and may be recovered as a part of the damages assessed.

§ 16. Damages accruing to any person or persons under the provisions of this act may be recovered in an action of *assumpsit*, and justices of the peace shall have jurisdiction in all cases where the damages claimed shall not exceed one hundred dollars.

§ 17. So much of said chapter fifty-one of the Revised Statutes as is inconsistent with the provisions of this act is hereby repealed.

APPROVED Feb. 18, 1857.

Damages, how recovered.

Law repealed.

AN ACT to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes. In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, as follows :*

Any three or more persons, who may desire to form a company for the purpose of carrying on any kind of manufacturing, mining, mechanical or chemical business may make, sign and acknowledge before some officer competent to take the acknowledgment of deeds, and file in the office of the clerk of the circuit court of the county in which the business of the company is to be carried on, and also in the office of the secretary of state, a certificate in writing, in which shall be stated the corporate name of the said company, the object for which it is formed, the amount of the capital stock thereof, the term of its existence, the number of shares of which the said stock shall consist, the number of directors, and the names of the persons who shall be directors for the first year, and the names of the town and county in which the operations of the said company are to be carried on.

Company formed

For what purpose.

Name.

No. of shares

§ 2. The capital stock of any such company shall not be less than ten thousand nor more than five hundred thousand dollars; nor shall the term of its existence exceed fifty years. Such capital stock shall be fully paid in within four years after the date of the license of incorporation hereinafter authorized, or the company shall be dissolved.

Capital stock.

§ 3. When the certificate shall have been filed as aforesaid, with the clerk of said court and a duplicate thereof filed in the office of the secretary of state, the said clerk shall issue a license to the persons who shall have signed and acknowledged the same, on the reception of which

Clerk of court to issue license.

they and their successors shall be a body politic and corporate, in fact and in name, by the name stated in such certificate, and by that name shall have succession and be capable of suing and being sued in any court of law or equity in this state, and may have a common seal, and alter the same, at pleasure, and be capable in law of purchasing and holding, conveying and disposing of any such real and personal estate, choses in action and securities, negotiable or otherwise, as may be expedient and necessary to enable the said company to carry on their operations and business named in such certificate.

No. of directors.

§ 4. The affairs of such company shall be managed by a board of not less than three nor more than seven directors, who shall be stockholders therein, and who shall, after the first year, be annually elected by the stockholders, to serve for one year and until their successors shall have been elected. During the first year, and until the election of their successors, the persons named in the certificate aforesaid as directors shall act as such. The board of directors shall have power by a vote of two-thirds of the whole number to expel any director from the board, for any cause which the board shall deem sufficient.

Power to expel.

Make by-laws.

§ 5. The directors shall have power to make by-laws, not inconsistent with the laws of this state, for the government of the company, and to appoint such officers, agents and servants as the business of the company may require, and prescribe their duties and fix their compensation.

Election of directors.

§ 6. An annual election of directors shall be held at such time and place as the board of directors may designate, and a written or printed notice of such election shall be given to each stockholder personally or sent to him through the post office, at least fifteen days before the day of election, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy. All elections shall be by ballot and the name and number of shares of each stockholder shall be endorsed on his ballot. Each stockholder shall be entitled to one vote for each share of stock held by him, and those persons receiving the greatest number of votes shall be directors. If from any cause the annual election of directors be not made on the day fixed for that purpose, it may be held on any day thereafter designated by the board or by any three stockholders, of the time and place of which the like notice shall be given to the stockholders as in the case of a regular election.

May be held by order of board.

Vacancy

§ 7. When any vacancy shall happen among the directors by death, resignation, refusal or inability to serve, or otherwise, it shall be filled for the remainder of the term by the board of directors.

§ 8. The capital stock of every such company shall be deemed personal estate, and shall be transferable on the books of the company, in such manner as its by-laws may prescribe. All subscriptions to such stock shall be payable in such sums and at such times as the board of directors may require, and the board shall have power to provide for the forfeiture to the company of the stock of those who fail to make such payment.

Stock deemed personal property.

§ 9. All the stockholders of every such company shall be severally individually liable to the creditors of the company to an amount equal to the amount of stock held by them respectively for all debts and contracts made by such company prior to the time when the whole amount of its capital stock shall have been paid in and a certificate thereof made and filed, as hereinafter required.

Stockholders to be liable.

§ 10. A majority of the directors, within thirty days after the payment of the last installment of such stock, shall make a certificate stating the amount of the capital stock and that it has all been paid in, which certificate shall be signed and sworn to by them and, within the said thirty days, filed in the office of the clerk of the circuit court of the county wherein the business of said company is carried on.

Directors make certificate.

§ 11. If the directors of any such company shall declare and pay any dividend when the company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the company then existing, and for all that shall be thereafter contracted while they shall respectively continue in office: *Provided*, that no director who votes against declaring such dividend, and at the time such dividend is declared cause such vote to be recorded in the journal of the proceedings of the board, shall be so liable.

When company insolvent penalty for declaring dividend.

Provide.

§ 12. Nothing but money shall be considered as payment of any part of the capital stock of any such company, except real estate and personal property, necessary to carry on the business of the company, which shall be received as payment only at a cash valuation, to be fixed by the appraisement, in writing, of two competent disinterested persons, one of whom shall be chosen by the company and the other by the party whose property is to be appraised, and in the event of their disagreeing in opinion, such appraisers shall call in a third disinterested person to act as umpire between them, whose decision shall be final in the premises. Every person acting as such appraiser or umpire shall first make and subscribe an oath faithfully and impartially to appraise the property, and when the appraisement shall have been given in writing and acknowledged

What shall constitute stock.

Appraisers to be sworn.

before an officer authorized to take the acknowledgment of deeds and filed in the office of the clerk of the circuit court who granted to the company its license of incorporation, the company may receive such property in payment of stock to the extent of its value as so appraised.

Money not to be loaned to stockholder.

§ 13. No loan of money shall be made by any such company to any stockholder therein, and if any such loan shall be made, every officer who shall make it or shall assent thereto, shall be liable to the extent of such loan and interest for all debts of the company contracted before the payment of the sum so loaned, and shall also be liable to the company for the repayment thereof.

Guardians, &c., may vote.

§ 14. Every executor, administrator, guardian or curator shall represent the shares of stock in his hands at all meetings of the company and may vote accordingly as a stockholder; and every person who shall mortgage or pledge his stock, may, nevertheless, represent the same, and vote as a stockholder at all such meetings.

May increase or diminish stock.

§ 15. The stockholders of any such company may increase or diminish its capital stock, by complying with the provisions of this act, in any amount which may be deemed sufficient and proper for the purposes of the corporation, and may also extend its business to any other manufacturing, mining, mechanical or chemical business, subject to the provisions and liabilities of this act; but before any corporation shall be entitled to diminish the amount of its capital stock, if the amount of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital stock.

Debts to be paid before stock is reduced.

When the stock is increased or diminished, notice to be given.

§ 16. Whenever it shall be desired to diminish or increase the capital stock of any such company or to extend or change the business thereof, the board of directors shall call a meeting of the stockholders for the purpose, of the time and place of which meeting a notice, signed by a majority of the directors, shall be deposited in the post office addressed to each stockholder at his usual place of residence of business at least three weeks before the day fixed for the meeting, and also published in some newspaper printed in or nearest the county in which the company is located, for three successive weeks before that day; such notice shall state specifically in terms the proposition to be submitted to such meeting, unless all the stock of the company be there represented. At any such meeting stockholders may vote in person or by proxy, each stockholder being entitled to one vote for each share of stock held by him; and votes representing at least two-thirds of all the stock of the company shall be necessary to the adoption of any proposition of the description contemplated in this section.

Vote of two-thirds.

§ 17. If at the time and place specified in the notice required in the next preceding section, stockholders shall appear in person or by proxy in number representing not less than two-thirds of all the shares of the corporation, they shall organize by choosing one of the directors chairman of the meeting and also a suitable person for secretary and proceed to vote upon the proposition contained in the said notice, and if on canvassing the votes it shall appear that two-thirds of all the votes given are in favor of the proposition, a certificate of the proceedings, showing the amount of capital actually paid in, the amount to which it is extended or reduced, the whole amount of debts and liabilities of the company, and the nature of the extension or change in the business of the company, shall be made out and signed by the chairman and countersigned by the secretary and verified by the affidavit of both and filed with the clerk of the circuit court of the county, and when so filed the capital stock of such company may be increased or diminished to the amount specified in such certificate, and the business extended or changed as therein stated.

Meeting, how organized.

Chairman and secretary.

Certificate made out and filed.

Where filed.

§ 18. A copy of any certificate, license of incorporation or journal of proceedings, filed in pursuance of this act, certified by the clerk of the circuit court to be a true copy, shall be *prima facie* evidence of the contents thereof.

Copy of certificate prima facie evidence.

§ 19. If any certificate or report made, or public notice given by the officers of any such company, in pursuance of the provisions of this act, shall be false in any material particular, all of the officers who shall have signed the same, knowing it to be false, shall be jointly and severally liable for all the debts of the company contracted while they are stockholders or officers thereof.

False certificate.

Officers liable.

§ 20. This act shall take effect on its passage.

APPROVED Feb. 18, 1857.

AN ACT to relocate a road therein named.

In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Augustus C. Lawrence, Hiram Norton and William Lame, of Union county, be and they are hereby appointed commissioners to review and relocate all that part of the public road as lies between the mouth of Big Muddy river and John Corgis' old place; that said commissioners shall cause a plat and survey of all such additions in said roads as they shall deem proper, and file [the] same with the clerk of*

Commissioners

Plat to be filed.

the county court of Union county, and also furnish the supervisors of the proper districts with a copy of such survey, and all supervisors through which district said road runs in which relocations are so made shall proceed without delay to open and keep such relocated parts of said road in repair.

Estimated, how paid.

§ 2. That the county court of Union county shall make a reasonable allowance and pay them out of the county treasury for their services in relocating said road.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

In force Feb 12, 1857.

AN ACT for the relief of William Zeigler.

Read in to be received.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the governor be and he is hereby authorized and required to cause to be issued and delivered to William Zeigler, one Illinois and Michigan canal bond, in lieu of an Illinois and Michigan canal bond lost by him, the said Wm. Zeigler, on the 18th day of March, A. D. 1854; said bond being numbered fifty-one, and dated in July, 1840, payable to Richard McFarland or bearer, for one thousand dollars. The said bond shall be for a like sum of principal and interest as the aforesaid lost bond. And there shall be inserted in said bond, "*Provided*, this bond shall be void on the presentation and claim for payment of the original bond for which this is issued as a substitute, in the hands of any persons legally entitled to the same."

What inserted in bond

Encl to be given

§ 2. Before the bond mentioned in the foregoing section shall be delivered, the said William Zeigler shall execute and deliver to the governor a good and sufficient bond conditioned that if the original bond mentioned in this act shall be presented by a legal holder thereof and the state be required to pay the same, then the said William Zeigler shall refund to the state an amount equal to the bond issued under this act and all costs accruing to the state in and about the matter.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED Feb 12, 1857.

AN ACT to locate a state road from Lacon, in Marshall county, to Middleport, in Iroquois county. In force April 20, 1857.

SECTION. 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Samuel P. Henthorn, of Marshall county, and John St. John, and Isaac B. Clark, of Livingston county, be and they are hereby appointed commissioners to view and locate a state road from the city of Lacon, in Marshall county, *via* Minonk, in Woodford county, and Anaea, in Livingston county, to Middleport, in Iroquois county.

§ 2. Said commissioners shall meet at the city of Lacon on or before the 1st day of September next, and after being duly sworn by some justice of the peace or the clerk of the county court of Marshall county, faithfully to discharge their said duties, shall proceed to view, mark and locate said road upon the most practicable route, having due regard to private property, and shall make report to the clerk of the county courts of the respective counties through which said road passes, and also a plat of said road which said report and plat shall be by the said clerks filed in their said offices, and the said clerks of the said county courts shall make a copy of said plat for each township through which the same passes in the said counties which have adopted township organization, which shall be by him furnished to the town clerks of said townships.

§ 3. Said commissioners shall assess all damages where any are claimed along the line of said road, and report the same to the clerks of the said county courts, which said amount of damages shall be paid by the several towns respectively through which the same passes, in the counties having adopted township organization, and by the county courts of the said counties which have not adopted township organization: *Provided*, the finances of said counties will justify such payments, and that such assessment of damages shall not be unreasonable.

§ 4. The said commissioners shall have power to employ a surveyor, chainmen and all hands that may be necessary to locate said road; the expense of said location and survey shall be paid by the counties through which the same passes, in proportion to the distance in each county.

§ 5. It shall be the duty of the proper authorities in each county through which said road passes, to cause the same to be opened sixty-six feet wide, and to be kept in repair as other state roads.

APPROVED Feb. 18, 1857.

Commissioners
appointed.
View and locate.

To be sworn.

Duties.

Report.

Plat filed.

Copy to be made

Damages, how
assessed.

How paid.

Provide.

Employ surveyor

Expenses, how
paid.

Road to be opened

in force Feb. 18, 1857. AN ACT to establish a recorder's court for the cities of La Salle and Peru.

Recorder's court.	[SECTION 1.] <i>Be it enacted by the people of the state of Illinois, represented in the General Assembly,</i> That there shall be established in the cities of La Salle and Peru, in La Salle county, an inferior court of civil and criminal jurisdiction, which court shall have concurrent jurisdiction with the circuit court of La Salle county in all civil and criminal cases, excepting cases of murder and treason, which court shall be called the recorder's court of the cities of La Salle and Peru, and shall have concurrent jurisdiction with the circuit court of La Salle county, in the towns of La Salle and Salisbury, in said county, except in the cases above excepted.
Jurisdiction.	
Judge, how appointed.	§ 2. The judge of said court shall be nominated and appointed by the governor, by and with the advice and consent of the senate, and shall hold his office until the next general election for judges of the circuit court in this state, and until his successor shall be elected and qualified. At said election, and at every general election for judges of the circuit court of this state there shall be elected by the qualified voters of said cities and of said towns of La Salle and Salisbury, a recorder of the cities of La Salle and Peru. The judge of said court shall have power to appoint a clerk of said court, and the said clerk shall give bond to perform the same duties and be subject to the same liabilities and be entitled to the same fees as are or may be provided by law in relation to clerks of the circuit court. The judge of said court shall be called the recorder of the cities of La Salle and Peru, and shall receive an annual salary of five hundred dollars, to be paid quarterly out of the state treasury, and such additional compensation as the city councils of said cities may allow, and in addition thereto shall receive the like fees as are received by the judge of the Cook county court of common pleas, to be collected in the same manner as is provided by law for the collection of the fees of the last mentioned judge.
When and how elected.	
Clerk appointed.	
Fees of clerk.	
Judge's salary.	
City attorneys, & their duty.	§ 4. The city attorneys of the cities of La Salle and Peru shall be prosecuting attorneys for said court, and may act separately in the terms of said court, held in their said cities, or jointly if the judge of said court shall so order, and they shall receive the same fees as are now allowed by law to state's attorneys, and such additional compensation, to be paid out of their respective city treasuries, as the councils thereof respectively may order and direct.
Juries, how selected.	§ 5. The grand and petit jurors of said court shall be selected from the qualified voters in the territory embraced within said cities and towns of La Salle and Salisbury, in

such manner as the city councils of said cities may direct; for which purpose each city council of the city in which the court is to be held is required to certify to the clerk a list respectively of the grand and petit jurors at least ten days before each term of said court: *Provided*, that the said court may cause talismen to be called and to serve as jurors, subject to the same restrictions and in the same manner as is now provided by law in relation to jurors in the circuit court: *Provided, further*, that said jurors shall be entitled to the same fees as now provided by law in relation to jurors in the circuit court: *Provided further*, that grand jurors need not be summoned unless the judge shall certify to the city councils the need thereof.

City council to
certify list.

Provido, as to
talismen.

Jurors' fees.

§ 6. The regular terms of said court shall be held on the first Mondays of January, April, July and October of each year, at such places as the city councils of said cities shall designate. The first term of said court shall be held on the first Monday in April next, in the city of La Salle, and alternately thereafter in the said cities. The judge of said court shall determine the duration of the terms, and may call special terms when the business of the court in his opinion may require: *Provided*, that the city councils of said cities may change the times of holding the regular terms of said court.

Courts, when
held.

Special terms.

Provido.

§ 7. Changes of venue in all cases may be taken from said court to the circuit court of La Salle county for the same causes and in the same manner as changes of venue are now by law allowed from the circuit court, and when the petition shall allege that the inhabitants of La Salle county are prejudiced against the petitioner, the change of venue shall be to the circuit court of some adjoining county, where the causes of complaint do not exist: *Provided*, that if the judge of said court shall not be satisfied that said petition is true, the court may require the petition to be verified by the oath of some credible person other than the party applying for such change of venue, and may require the reasons for the belief of the petitioner to be stated in the petition.

Venue.

To what court.

§ 8. All fines and forfeitures recovered in said courts for the violation of any state law shall be paid into the city treasuries of said cities in equal proportion, and the fees of the grand and petit jurors, and all fees attending the summoning of the same shall be paid out of the city treasuries of said cities in equal proportion, and the clerk of said court at the end of each term thereof shall certify to the city councils of said cities respectively all fees that may be due the jurors at each term.

Fines, to whom
paid.

Expense of Ju-
rics, how paid.

§ 9. The city councils of said cities shall provide a seal for said court, and all processes issued from said court shall be attested in the name of the clerk, and be impressed with

Seal of court.

Process may run.

1790 v. 185

Marshal and
sheriff's duty.

Their fees

Appeals, when
and how taken.

Supreme court.

Master in chancery

Sales of property

Judgments liens.

the seal of the court, and shall run throughout the territory within the jurisdiction of said court, and shall also run throughout the county of La Salle, and also the state, in all cases where the process issued by the circuit court or the clerk thereof may by law run into any other county than the one in which the same may be issued, and shall be returnable in the same manner as like process is made returnable in the circuit court: *Provided*, that all criminal process shall run throughout the state as criminal process issued by the circuit court.

§ 10. The marshals of said cities, or either of them, and the sheriff of La Salle county, are hereby authorized to execute all processes issued by or out of said court, or which may otherwise come into their or either of their hands, and make due return of the manner of executing the same, as now provided by law in relation to sheriffs in like cases, and when they or either of them shall have executed any criminal process, they shall take recognizance, and make return thereof as is now provided by law in like cases, in relation to sheriffs; and the said marshals or sheriffs shall be entitled to receive the same fees allowed by law for like services.

§ 11. All appeals, proceedings in the nature of appeals, and writs of *certiorari* taken from judgments of justices of the peace, and other inferior tribunals within the towns of La Salle and Salisbury, may be taken to the said court in like manner as now provided by law in relation to appeals and writs of *certiorari* from justices of the peace to the circuit court, and shall be there heard and determined as in like cases in the circuit court, and appeals may be taken and writs of error prosecuted to the supreme court as now provided by law in relation to appeals and writs of error from the circuit court to the supreme court.

§ 12. The judge of said court shall appoint a master in chancery for said court, who shall be qualified in the same manner, be subject to the same liabilities, possess the same powers, perform the same duties, and be entitled to the same fees as other masters in chancery.

§ 13. All sales of property made by virtue of any process of said court, in which in a like case the sheriff would be required to make such sale at the court house, shall be, by one of the marshals of said cities or the sheriff of said county, made at the place of holding the court from which such process issued.

§ 14. All judgments rendered in said court shall become liens in like manner and to take extent as judgments rendered in the circuit court, and shall be enforced and collected in like manner. Parties, by agreement, in civil cases may dispense with a jury, and submit their cases to the judgment of the court.

§ 15. The city councils of La Salle and Peru shall provide a jail or jails in which to keep prisoners, and the expense of keeping and sending the same to the penitentiary shall be paid in the same manner as is now provided by law for keeping and sending prisoners from the county jails to the penitentiary. Jail.

§ 16. The practice in said court shall conform to the practice in the circuit court so far as applicable. Practice.

§ 17. This act shall be deemed a public act and be in force from and after its passage, and all laws conflicting therewith are hereby repealed. Laws repealed.

APPROVED Feb. 18, 1857.

AN ACT for the relief of Lorenzo Gard.

In force April 26,
1857.

WHEREAS it is represented that Ebenazar Yearly purchased fractional lots six and seven, in section sixteen, of township five south, range six west of the fourth principal meridian, at public sale by the school commissioner of Pike county, Illinois, on the third day of May, A. D. 1836; and whereas it is represented that said purchaser has conveyed his interest in said lands to Michael Gard, who has in like manner conveyed the same to Lorenzo Gard; and whereas it is further represented that no patent was issued to the original purchaser of said land, and that by reason of the death of said purchaser there is difficulty in procuring the title from the state to said lands; therefore, Preamble.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of state shall make out in the usual form a patent to said Lorenzo Gard for the above described lands, which shall be signed by the governor and countersigned by the auditor, and shall have the seal of the state thereto affixed by the secretary of state, and which said patent shall vest in said Lorenzo Gard the title in fee simple to said lands: *Provided, nevertheless,* that nothing in this act contained shall be construed to affect or prejudice the better legal or equitable title of any third person in or to said lands. Auditor's duty. Proviso.

APPROVED Feb. 18, 1857.

In force Feb. 14,
1857.

AN ACT for the relief of James W. Edwards.

Auditor to make
deed

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That upon the payment of the sum of one hundred dollars into the treasury of the state of Illinois, by James W. Edwards or his legal representatives, the auditor of said state shall convey to said James W. Edwards or to his legal representatives, all the right, title and interest of said state of Illinois in and to lot number thirteen (13,) in block number six (6,) in Robert N. Curry and Ralph H. Hurlbut's addition to the town of Mt. Sterling.

Edwards' rights.

§ 2. Nothing in this act shall be so construed as to affect the rights of said Edwards or any other person to recover upon any covenants or warranty made in relation to the title to said town lot.

Void.

§ 3. This act shall be null and void if the provisions thereof are not complied with in one year from its passage.

This act to be in force and take effect from and after its passage.

APPROVED Feb. 14, 1857.

In force Feb. 13,
1857.

AN ACT to vacate and relocate a certain road therein named.

Road vacated.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the road known as the Harrisonville road, leading from Waterloo to Harrisonville, in Monroe county, as lies in section twenty-five, in township two south, of range ten west, be and the same is hereby vacated.

Commissioners,
their duty.

§ 2. *Be it further enacted,* That William L. Adelsperger, John P. Brown and George L. Ditch is hereby appointed commissioners to review and relocate all that part of said road hereby vacated, on the most practical ground, having a due regard to rights of the proprietors of land over which the same may be relocated, and all the expenses incident to the relocation of said road shall be paid as now provided by law.

Expenses

§ 3. This act shall be in force from and after its passage.

APPROVED Feb. 13, 1857.

AN ACT to authorize the school commissioner of Carroll county to re-survey, appraise and sell certain school lands in said county. In force Feb. 14, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the school commissioner of the county of Carroll, in the state of Illinois, is hereby authorized and required to cause the school section number sixteen, in township number twenty-five north, range four east of the fourth principal meridian, to be resurveyed and laid off in lots to contain not to exceed ninety acres each, and after the same is surveyed and laid off in lots, to cause the same to be appraised according to law, any appraisement or survey of the same heretofore to the contrary notwithstanding, and after such survey and appraisement, that said school land may be sold and the proceeds of the same apportioned in the manner provided by law. School section to be resurveyed.

§ 2. This act to take effect from and after its passage. Appraised
APPROVED Feb. 14, 1857.

AN ACT to establish a court of common pleas in the city of Elgin. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there shall be established in the city of Elgin an inferior court of civil and criminal jurisdiction, which said court shall be a court of record by the name of "The court of common pleas of the city of Elgin," and shall have concurrent jurisdiction within the city of Elgin with the circuit court in all civil and criminal cases, except in cases of treason and murder, and the rules of practice of said court shall conform as near as may be to the rules of practice in the circuit court of Kane county, except as hereinafter provided. Said court and the judge and clerk thereof shall respectively have the like power, authority and jurisdiction, and perform the like duties as the circuit court and the judge and clerk thereof in relation to all matters, suits, prosecutions and proceedings within the city of Elgin, so far as the same are not limited by this act. Said judge and clerk shall be elected by the qualified voters of said city, and shall respectively hold their offices for four years and until their successors shall be elected and qualified. The first election thereof shall be held at the time of election of mayor of said city in A. D. 1857, or as soon thereafter as the common council of said city may provide; and Court established

Jurisdiction.

Power of judge and clerk.

To be elected.

like elections shall be held every four years thereafter. The persons having the highest number of votes for said offices respectively shall be declared elected thereto and shall be commissioned by the governor.

Salary, &c.

§ 2. The said judge shall be called the "Judge of the court of common pleas of the city of Elgin," and shall receive such annual salary, not exceeding five hundred dollars, as the common council may by ordinance determine, to be paid quarterly by the said city, and shall receive the like fees in addition thereto as is received by the judge of the Cook county court of common pleas, to be paid and collected in the same manner as the fees of the said last mentioned judge are paid and collected.

Seal

§ 3. Said court shall have a seal, to be provided by the city of Elgin, and said court shall be held at such place as shall be provided by said city, and the expenses thereof, as herein otherwise provided, shall be paid by said city.

Process, &c.
Attol, &c.

§ 4. The process of said court shall be tested in the name of the clerk thereof, and be issued and executed in the same manner as process from the circuit court of said county of Kane; and all orders, judgments and decrees of said court shall be a lien upon real and personal estate, and shall be enforced and collected in the same manner as orders, judgments and decrees rendered in the circuit court; and appeals from the orders, judgments and decrees of said court directly to the supreme court shall be had in the same cases and taken and conducted in the same manner as is provided by the laws of this state for the taking of appeals and writs of error from the circuit court: *Provided*, that the judge of said court shall have full power to establish all such rules of practice at law or in equity as he may think necessary to expedite the business of said court, which rules of practice shall be binding and obligatory upon the parties to suits in said court from the time they shall be entered of record.

Appeals

Appeals

Process

Court held

§ 5. The judge of said court shall hold four terms of said court in each year, commencing on the second Mondays of March, June, October and December, and shall continue each term until all the business before the same is disposed of. The said judge shall have power to appoint special terms of said court at such times as he may think proper, upon giving twenty days notice thereof in some newspaper published in said city, which notice shall be given by the clerk of the said court under the order of the judge of said court, and the said court shall always be considered open for the taking of judgments by confession, which may be entered at any time upon filing the proper papers with the clerk of said court, and have the same force and effect as if entered in term time.

Special terms

§ 6. All recognizances, except in cases of treason and murder, taken before any judge, justice or magistrate residing in said city, in criminal cases, shall be made returnable to said court, and it shall be the duty of the officers taking the same to return all the papers in such criminal cases to the said court; and all fines, penalties and forfeitures had or taken in any such criminal proceedings shall inure to the benefit of said city, and shall, when collected, be paid into the city treasury. Recognizances

§ 7. All appeals and writs of *certiorari* from decisions of justices of the peace or other magistrates within said city shall be taken to said court of common pleas, and shall be there heard and determined as in like cases in the circuit court. Appeals

§ 8. Changes of venue in all cases, civil or criminal, may be taken from said court to the circuit court of Kane county, when the party praying for such change of venue or his attorney shall make affidavit that in his or her belief justice and a fair and impartial trial requires such change of venue, stating in such affidavit the particular facts and circumstances upon which such belief is founded. Change of venue

§ 9. The sheriff of the county of Kane shall perform the same duties and have the same powers and be liable to the same penalties in the said court as in the circuit court; and the said sheriff and clerk of said court of common pleas shall respectively be entitled to the like fees and compensation that now are or hereafter may be allowed for similar services in the circuit courts of this state, to be received, collected and paid in like manner as such fees now are or hereafter may be. And in criminal cases when the defendant shall be acquitted or otherwise discharged without payment of costs, the said sheriff and clerk, in addition to what they are now allowed by law, shall be paid the sum of thirty dollars each per annum, payable quarterly out of the county treasury. Duty of sheriff.

§ 10. The city attorney shall be the state's attorney and the prosecuting attorney for said court, and for his services therein shall receive such salary as the common council may by ordinance determine, to be paid by said city: *Provided*, such salary shall not exceed two hundred dollars, and the board of supervisors of Kane county shall allow and pay such attorney in addition to such salary the like fees in all cases of conviction in said court arising under the laws of this state as are paid to the state's attorney of the circuit. City attorney
Salary.
Proviso
Fees

§ 11. The grand and petit jurors of said court shall be selected from the voters of said city, in the following manner: the city council shall annually select two hundred names of persons who are qualified to act as jurors, and who are not exempt from such service from the list of such Jurors, how selected.

Proviso.

Sheriff's
summon.

Proviso.

Judges may ex-
change.

Vacancies, how
filled.

Proviso.

Offenders, where
sent.

voters, and transmit the same to the clerk of said court, who shall keep a record thereof in a book to be provided for that purpose, and deposit such names upon separate pieces of paper in a jury box, from which he shall draw the names of the grand and petit jurors, at least ten days before the first day of each term of said court, in the presence of the mayor or two alderman of said city: *Provided*, that the judge of said court may in his discretion direct that the grand and petit jurors or either of them to be summoned to attend any term of said court be selected from the city and township of Elgin: *And provided, further*, that if for any cause said grand or petit jurors shall not be drawn and selected in the manner aforesaid, or in case of vacancies in the panel thereof or of the execution of the same, said court may direct the same to be summoned by the sheriff as now provided by law in the circuit court. All *venires* for jurors in said court shall be issued by the clerk of said court and executed by the sheriff as in other cases; and all laws in relation to jurors, their compensation, duties, powers, authorities and proceeding as far as not inconsistent with the provisions of this act shall be applicable to said court: *Provided*, that the fees of jurors shall be one dollar per day, to be paid out of the county treasury on the certificate of the clerk of said court.

§ 12. The judge of said court may interchange with the judge of any circuit or other court in this state, with the same rights, duties and powers as are or may be conferred upon judges of the circuit court of this state in like cases.

§ 13. Any vacancy in the office of judge or clerk of said court of common pleas may be filled by election at such times as may be appointed by the common council of said city; and the person elected to fill such vacancy shall hold his office until the next regular election for such office as provided by this act: *Provided*, that a clerk *pro tem.* may be appointed by the judge thereof when necessary.

§ 14. In all cases in said court where, by the laws of this state, the offenders may be sentenced to the county jail, the said judge or court may sentence such offenders to the county jail of said county of Kane or the Bridewell or house of correction of said city, in his discretion.

§ 15. This act is declared to be a public act and shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT for the relief of Hugh Jackson.

In force Feb. 14,
1857.

WHEREAS Hugh Jackson, late sheriff of Greene coun'y, had deposited in the iron safe in the county clerk's office in the court house, in Carrollton, the sum of twenty-one hundred and twenty-five dollars, twelve hundred and twenty-six dollars and seventy-two cents of which was a portion of the state revenue and eight hundred and ninety-eight dollars and twenty-eight cents was a portion of the county revenue collected by him for the year 1854; and whereas the said iron safe was, on the 12th day of May, A. D. 1855, broken open and robbed of said sum, no part of which has since been recovered, and inasmuch as said sum has been lost without any fault or negligence on the part of the said Hugh Jackson; therefore,

Preamble.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That said Hugh Jackson and his sureties be released and discharged from all liability to the state for said sum of twelve hundred and twenty-six dollars and seventy-two cents, the amount standing against him for the taxes due the state of Illinois for the year of our Lord one thousand eight hundred and fifty-five.

Released

§ 2. The auditor of public accounts be and hereby is required to make such an entry upon his books as will show that the said Hugh Jackson is no longer charged or chargeable with the aforesaid sum or any interest therefor.

Duty of auditor

§ 3. The county court of said Greene county may, if the same be deemed advisable, release and discharge the said Hugh Jackson and his sureties from the sum of eight hundred and ninety-eight dollars and twenty-eight cents, due the said county as aforesaid.

County court of
Greene county,
duty of.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED Feb. 14, 1857.

AN ACT to authorize the commissioners of highways of the town of Wayne, in Du Page county, to alter the route of a certain state road.

In force Feb. 16,
1857

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the commissioners of highways of the town of Wayne, in Du Page county, are hereby authorized to alter the route of so much of the state road located through said town in the year 1849, by Elijah Wilcox, Augustus Adams and Luther Her-

Commissioners
duty.

rick, commissioners, as runs across section five, in said town, whenever such alteration shall be petitioned for in the manner required by sections one and two of article four of the act to provide for township organization.

Now proceed.

§ 2. The said commissioners of highways, in the exercise of the authority conferred by this act, shall proceed in the same manner as is required by the laws now in force relative to the alteration of other roads, and appeals may be taken and prosecuted from orders made by them, either in relation to the alteration of said road or the assessment of damages, as in other cases, and the supervisors to whom such appeals are taken shall be governed by the laws now in force relative to road appeals.

§ 3 This act to take effect from and after its passage.
APPROVED Feb. 16, 1857.

In time Feb. 16,
1857.

AN ACT to relocate a road therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Augustus C. Lamer, Hiram Norton and William Lamer, of Union county, be and they are hereby appointed commissioners to review and relocate all that part of the public road as lies between the mouth of Big Muddy river and John Cargan's old place; that said commissioners shall cause a plat and survey of all such alterations in said road as they shall deem proper, and file the same with the clerk of the county court of Union county, and also furnish the supervisor of the proper district with a copy of such survey; and all supervisors through whose district said road runs, in which relocations are so made, shall proceed without delay to open and keep such relocated parts of said road in repair.

Plat to be filed.

Road opened.

Expense of, how
paid

§ 2. That the county court of Union county shall make a reasonable allowance and pay them out of the county treasury for their services in relocating said road.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT to attach certain fractional townships together for school purposes in the county of Carroll. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the fractional, township number twenty-five north, of range two, School township. and the fractional township number twenty-five north, of range three east of the fourth P. M., in the county of Carroll, and the said state of Illinois, be and the said [same] are hereby united for school purposes, and that hereafter the said township shall be deemed and constituted as one township for school purposes, anything heretofore to the contrary notwithstanding. This act to take effect from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT in relation to the city of Quincy, and for other purposes therein expressed. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all that part of the northwest quarter of section number six, Boundaries. in township two south of the base line, of range eight west of the fourth principal meridian, in the county of Adams, which lies north and west of the public road or highway, extending east through said quarter section of land, from the eastern termination of Main street, in the city of Quincy, in said county, to a point where said road strikes the land of William A. Richardson and Henry V. Sullivan, and runs thence north until it intersects the public road or highway, running east from the eastern termination of Broadway street, in said city, to a point opposite the residence of I. N. Morris, which said premises so lying north and west of said road and commonly known and called the Institute ground, be and the same is hereby declared to be embraced and included within the corporate limits of the said city of Quincy; and the said city, or the corporation thereof, shall have, possess, enjoy and exercise all the corporate powers, rights and jurisdiction over the district of country hereby embraced within the limits of said city that they now have, possess, enjoy and exercise within and over the corporate limits of said city, it being the true intent and meaning of this act to embrace said district of country herein described within the corporate limits of said city, for all and every purpose embraced within the charter, laws and corporate powers thereof. Within the corporate limits of Quincy.

Public property
of Union school
district.

Free schools to
be kept up

Property to be
surrendered

Attach to Quincy

Proviso

Election

If majority of
votes, to take
effect

§ 2. The public property belonging to Union school district, in the county of Adams, and which is situated within the limits of the Institute ground, embraced within the corporate limits of the city of Quincy by the provisions of this act, shall be held, owned, enjoyed and possessed by the said city, but it shall be the duty of said city to establish and keep up free schools within the limits of the district of country hereby attached to and made a part of the corporate territory of said city, in the same manner and during the same length of time in each and every year that common schools are now kept up in said city of Quincy; and in consideration of the said public property belonging to said Union school district, being surrendered to the said city of Quincy, the inhabitants residing on the territory composing the same shall forever enjoy and possess the right to send all such scholars as they may have in their respective families to the free school or schools which shall be established as herein required within the limits of the territory hereby attached to and made a part of the said city of Quincy, which said territory shall not hereafter be taxed for school purposes other than those provided for the persons residing thereon and the general school law of the state: *Provided*, that all that part of the territory now composing the said Union school district, which lies in township two south, of range eight west, except the west half of section six, in said township two south, of range eight west, shall not hereafter compose any part or portion of said Union school district, but the same shall be equally divided by the trustees of schools in township two south, range eight west, between the two school districts lying next contiguous thereto, in said township two south, of range eight west: *Provided, further*, that that portion of the north west quarter of said section six, in township two south, of range eight west, attached by this bill to and made a part of the corporate limits of the city of Quincy, shall not hereafter be a part of said Union school district.

§ 3. The legal voters of said Union school district, in said county of Adams, shall meet in said district at the usual place of holding school, or at some other convenient place, on the last Saturday of April, A. D. 1857, and vote for and against the foregoing provisions of this bill. If the majority of the votes cast at such election shall be for said provisions, the same shall thereafter be in full force and effect; if against said provisions, the same shall not go into effect: *Provided*, however, that said provisions shall not take effect and be in force after said vote is given unless the city council of the city of Quincy and the board of supervisors of the county of Adams shall by resolution or ordinance approve the same, after which said provisions shall take effect; it shall be sufficient for each voter to

write on his ballot "for the provisions," or "against the provisions;" and for the purpose of conducting said election, it shall be lawful for the voters present to select two of their number to act as judges of said election, and one to act as clerk, who shall make a regular record of said election and the votes cast thereat, and certify the same to the clerk of the city of Quincy, who shall file and preserve the same in his office, and said certificate shall be evidence of the result of said election. If no election is held the foregoing provisions are to be in force, if approved by the city council of the city of Quincy, and the board of supervisors of the county of Adams.

§ 4. In the event that the legal voters of said Union school district shall vote against the foregoing provisions of this act or the boundaries of the said city of Quincy shall not be extended, as therein provided they may be extended, then and in that event an act entitled "An act to create a school district therein named," approved February the eighth, A. D. 1853, which act established said Union school district, and all acts and parts of acts passed to create the same or supplementary thereto, or in aid thereof, be and the same are hereby repealed. The public property and real estate belonging to said Union school district shall be sold to the best advantage by John P. Robbins, H. P. Prentiss and George Arrowsmith, who are hereby authorized to deed the same; and the proceeds thereof, together with all the money now belonging to said Union school district or which may be hereafter acquired, shall be received and receipted for by them, and the same paid to the inhabitants or their regularly constituted agent or agents, or authority residing upon that part of said Union school district, lying and being in township one south of the base line of range eight west, and the west half of section six, in township two south, of range eight west, aforesaid, in proportion to the relative amount of taxable property now composing said district which lies north and south of the township line between one and two south, of range eight west. That portion of said Union school district lying in township one south, of range eight west, and the west half of section six in township two south, of range eight west, the first to be called district number one, the second district number two, shall each constitute separate districts and have, possess, enjoy, hold and exercise all the corporate powers, rights, privileges, and have and enjoy all the benefits of other school districts. John P. Robbins, Peter Grant and George Arrowsmith shall be school directors of district number one, and Jonathan H. Tyson, H. P. Prentiss and James Sprague, of district number two, until other directors are legally elected and qualified.

Not to take effect
in the event of
the vote being
against.

Public property,
how disposed of.

Proportion to the
relative amount

School directors

Not to annul any
rights of Union
district.

§ 5. Nothing in this act shall in any way interfere with or annul any rights the said Union school district or the inhabitants thereof may have to any money or moneys due thereto or claimed thereby; but the right of said district or the inhabitants thereof to recover said money or moneys shall be and remain as full and perfect as the same now exists by law.

§ 6. This act shall be taken and considered a public act and be so construed.

APPROVED Feb. 16, 1857.

In force April 20,
1857.

AN ACT for the benefit of the heirs of David Walker, deceased.

Preamble.

WHEREAS by an act of the legislature of the state of Illinois, entitled "An act to authorize David Walker to purchase of the state the land therein named," approved Feb. 5th, 1853, the auditor of public accounts on the 5th day of July, 1853, made, executed and delivered to said David Walker a deed for the fractional part of the southwest quarter of section eleven, in township 33 north, of range 3 east of the 3d principal meridian; and whereas the state of Illinois had prior to the date of said auditor's deed, sold a part of said fractional quarter, leaving the balance of said fraction to said Walker under his said purchase; and whereas doubts have been entertained whether the balance of said fraction was embraced in the said deed to said Walker so made as aforesaid; now, therefore, to quiet such doubts and remove all obstacles to the full enjoyment by the heirs of said Walker of said fraction of land,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all that part of the southwest fractional quarter of section eleven, in township thirty three (33) north, of range three (3) east of the 3d principal meridian, lying in La Salle county, and state of Illinois, which remained unsold by the state on the 5th day of July, 1853, be and the same is hereby vested in the heirs of David Walker, deceased.

APPROVED Feb. 10, 1857.

David Walker

AN ACT to amend "An act to provide for township organization," approved Feb. 17, 1851. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever any town shall fail to elect the proper number of town officers to which such town may be entitled by law, or when any person elected to any town office shall fail to qualify as such, or whenever any vacancy shall happen in any town office, from death, resignation, removal from the town or other cause, it shall be lawful for the justices of the peace of the town, together with the supervisor and town clerk, to fill the vacancy or vacancies occasioned or accruing in consequence of either or any of the causes above specified, by appointment, by warrant under their hands and seals; and the persons so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors.

Justice, &c., to fill vacancies in certain cases

Appointees to hold office, &c.

§ 2. Whenever a vacancy shall occur from any cause in any or either of the offices enumerated in the foregoing section, as composing the board of appointment for the appointing of town officers in case of vacancy, it shall be lawful for the remaining officers of such appointing board to fill any vacancy or vacancies thus occurring.

Vacancies in appointing board, how filled

§ 3. In case any town in any county wherein township organization has been or may be hereafter adopted, shall refuse or neglect to organize and elect town officers at the time fixed by law for holding annual town meetings, it shall be lawful for twelve freeholders of the town to call a town meeting for the purposes aforesaid, by posting up notices in six public places in such town, giving at least ten days' notice of such meeting, which notice shall set forth the time, place and object of such meeting; and the electors when assembled by virtue of such notice, shall have and possess all the powers conferred upon them at the annual town meeting. In case no such notice shall be given as aforesaid within thirty days after the time for holding the annual town meeting, the board of supervisors of the county shall, upon the affidavit of any freeholder of said town, filed in the office of the county clerk, or the clerk of the board, setting forth the facts, proceed at any regular or special meeting of the board, and [appoint] the necessary town officers for such town, and the persons so appointed shall hold their respective offices until [others] are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors of the town.

Freeholders to call meeting in certain cases.

Supervisors may appoint town officers

Town officers
failing to qual-
ify

§ 4. Whenever it shall be made to appear to the board of supervisors that the town officers appointed by them or any preceding board, as provided in the foregoing section, shall have failed to qualify as required by law, so that such town cannot become organized, the board of supervisors may annex such town to any adjoining town, and the said town so annexed shall thereafter form and constitute a part of said adjoining town.

Town meeting,
when held and
how conducted.

§ 5. It shall not be lawful for the electors at the annual town meeting, to commence the transaction of any business except that which shall pertain to the organization of the meeting and the election of the officers of the town, until the hour of two o'clock in the afternoon, at which hour, or as soon thereafter as the electors present may determine, the general business of the day which the electors may lawfully transact at town meetings shall commence, and be continued until such business shall be disposed of; upon the completion of which the moderator shall announce the miscellaneous business of the day to be closed, after which announcement no further business shall be transacted at that meeting, unless the electors shall, at the time of such announcement as aforesaid, so only except the election of officers as aforesaid, or that which appertain thereto, and whereon any matter shall be taken up for consideration, by order of the electors present, at the time of such announcement by the moderator as aforesaid, the electors shall have power to order that no further business, as above provided, shall be taken up or acted upon at that meeting, after the matter thus taken up shall be disposed of, which order shall be final, and not subject to reconsideration.

Powers of elec-
tors at town
meetings.

§ 6. The electors at town meeting shall have power, in addition to the powers now conferred by law, to determine what shall be a lawful fence within the town; also to authorize and require the commissioners of highways to assess a road tax on all real estate liable to taxation in the town, to any amount not exceeding forty cents on each one hundred dollars' worth, as valued on the assessment roll of the previous year, but in default of such direction on the part of the electors, the commissioners of highways shall nevertheless have the power to assess any amount they may deem necessary for the purposes aforesaid, not exceeding twenty cents, as is provided by the eleventh section, article twenty-two (22) of the act to which this is an amendment.

Oaths, by whom
administered.

§ 7. In all cases, where, by the act to which this is an amendment, an oath on any occasion is required to be administered by a justice of the peace of any particular town, it shall hereafter be lawful if such oath shall be administered by any justice of the county.

§ 8. The commissioners of highways shall, in their account required to be rendered to the board of town auditors, by section two, of article twenty-two of the act to which this is an amendment, state particularly the amount received from the supervisors of the town up to the time of rendering such account, and the manner in which the same, if any sum has been paid out and expended, to whom and on what account, which account in reference to such statement shall be verified by the oath of said commissioners, or a majority of them.

Commissioners
of highways to
account.

§ 9. All appeals from the order or decision of the commissioners in altering, discontinuing or refusing to lay out any road shall hereafter be taken in the following manner: the appeal shall be addressed to the town clerk of the town wherein the road in question shall be, and filed with him within the time now required by law for taking appeals in such cases, and in case there shall be no town clerk in the town, then such appeal may be addressed to and filed with the supervisor or any justice of the peace of said town, whereupon said town clerk, supervisor or justice of the peace, as the case may be, shall at once proceed to select at his discretion, three supervisors of the county, neither of which shall be a resident of the town in which the highway is situated, for the hearing of said appeal, which supervisors shall proceed to hear and determine said appeal, in the same manner, and be governed by the same rules as is now prescribed by law in reference to appeals in such cases.

Appeals, how taken and disposed of.

§ 10. The town clerk, supervisor, or justice of the peace, as the case may be, in making the selection of supervisors as aforesaid, shall have due regard to the interests of the persons interested, and shall, upon making such selection or nomination, give a certificate of the same, which shall be delivered to the person taking such appeal, which certificate said person shall cause to be delivered to one of the supervisors therein named within ten days from the time of filing of such appeal with the town clerk or other officer as aforesaid, and shall also, within the same time cause a notice of such appeal to be given to the other two supervisors named in said certificate.

Duty of clerk, &c., in appeal cases.

§ 11. The supervisors to whom any appeal shall be taken as aforesaid, shall be governed by the same rules in assessing damages as is provided in section six, of article twenty-four (24) of the act to which this is an amendment, for the government of commissioners of highways in such cases; and when supervisors shall lay out a road upon appeal from the decision of commissioners of highways in refusing to lay out such road, the said supervisors shall proceed and assess the damages occasioned by the same,

Assessment of damages.

in the same manner as in case of commissioners of highways in laying out roads.

Fees on appeal.

§ 12. The supervisors to whom an appeal shall be taken as aforesaid shall be allowed one dollar and fifty cents for every day employed in hearing and deciding such appeal, or when necessarily engaged in reference to the same, to be paid in manner as now prescribed by law, and every supervisor, as a member of the board of supervisors, shall be allowed as a compensation in full for his services and expenses in attending the meeting of the board, and for attending to any other business for the benefit of the county, a sum not exceeding two dollars per day, and no more.

Collector's bond.

§ 13. In any town in which there shall be no town supervisor, the collector of the town may make his official bond to the clerk of the county court of the county in which said town may be situated.

Fees of collector,
&c

§ 14. The county collectors, or treasurers in counties adopting township organization, shall hereafter be allowed in their settlement with the auditor, for receiving the state tax from the town collectors and paying the same into the state treasury, adjusting the accounts of said town collectors, correcting nonresident lists, &c., a commission of two per cent. when the amount received does not exceed ten thousand dollars, and one per cent. on all sums received from town collectors over that amount.

Duty of collector
where taxes are
paid twice

§ 15. When two or more persons shall be claimants of any lands, the town collector shall be authorized to receive payment of taxes from each claimant of such land, and give receipt for the same, and said collector shall report to the clerk of the county court such double tax, to be by him dispensed of as is now required by law, which receipt shall be evidence in all courts where the same shall come in question, of the payment of taxes on the land therein described for the year or years therein mentioned.

Funds, how ap-
propriated for
road purposes

§ 16. The board of supervisors shall have power to appropriate funds to aid in the construction of roads and bridges in any part of their respective counties, whenever a majority of the whole board of the county may deem it proper and expedient, any law to the contrary notwithstanding.

§ 17. All laws and parts of laws inconsistent with this act are hereby repealed.

§ 18. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to establish the Marion school district, in Williamson county. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That section seventeen (17,) eighteen (18,) nineteen (19) and twenty (20,) in township nine (9) south, of range three (3) east, and sections thirteen (13,) fourteen (14,) twenty-three (23) and twenty-four (24,) in township nine (9) south, of range two (2) east, in Williamson county, Illinois, be and the same are hereby formed into and shall constitute one school district, and be known and designated as the Marion school district; and the inhabitants thereof shall be entitled to and possess all the powers, privileges, rights and immunities of other school districts now provided for by law. School district.

§ 2. It shall be the duty of the legal voters within said school district to meet at some convenient place in the district, on the first Monday of March next, or as soon thereafter as convenient, and elect three persons within the district, to be styled school directors, who shall continue in office for the term of two years and until their successors are elected; the notice for said election shall be given, and said election shall be conducted in the manner now provided by law for the election of directors in school districts. Voters to meet and vote.

§ 3. The said directors in addition to their powers now defined by law as directors shall possess all the powers and privileges of trustees of townships for school purposes, and shall be recognized and regarded by the school commissioner, county clerk and all other officers of this state as possessing all the powers, privileges and rights of trustees of the congressional townships in this state, and they are hereby required to perform all the duties of such trustees as well as directors for said school district. Directors' powers Their duty.

§ 4. Nothing contained in this act shall be so construed as to interfere with any contract heretofore made by the school directors of any portion of the territory constituting said school district with reference to the employment of teachers, the building of school houses, the purchase of ground for school purposes or any other act done or performed by them as such school directors. Contracts existing. Now

§ 5. This act shall be in force and take effect from and after its passage.

APPROVED Feb. 16, 1857.

in force Feb. 16,
1857.

AN ACT to incorporate the "Lacon union school district."

Boundaries.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That fractional township 30 north, of range 3 west of the 3d principal meridian, including the corporate limits of the city of Lacon, shall constitute a school district, to be known as the Lacon union school district.

Board of education.

§ 2. That a board of education, consisting of six members, a majority of which shall be a quorum to do business, shall be elected by the legal voters of said district on the first Friday of April, A. D. 1857; two of said board holding their office for the term of one year, two for the term of two years and two for the term of three years, and that two shall be elected annually thereafter on the first Friday of April, to hold their office for the term of three years and until their successors are elected and qualified. They shall, when elected, severally take an oath faithfully to discharge the duties of their office according to the best of their judgment and ability.

Term of office.

Clerk to give notice of election.

§ 3. The board of education shall cause their clerk to post up notices of the time and place of holding said election in at least five of the most public places in said district. Said notices shall be posted up at least ten days previous to the day of election. Two of the members of the board of education shall act as judges and one as clerk of said election: *Provided*, that the trustees of schools shall cause the notices for the first election under this act to be posted up, two of whom shall act as judges and one as clerk of said election.

Judges.

Board to be successors of trustees.

Body corporate.

§ 4 The said board of education when so elected and their successors in office shall be successors of the present board of trustees of schools; they shall be a body corporate and politic, by the name and style of "The board of education of the Lacon union school district," and may have a common seal and change the same at pleasure, and as such, may contract and be contracted with, sue and be sued, plead and be impleaded in and before any tribunal having jurisdiction. Any member of the board having received five days' notice that such vote will be taken, may be removed from office for improper conduct by the concurring vote of all the other members of the board. In case of a vacancy by such removal or otherwise between the times of election, the same shall be filled by the remaining members of said board by appointment, and the person so appointed shall hold the office until the next election and until his successor is elected and qualified; and he shall have all the powers and shall be required to perform all the duties as if he had been elected to said office at a regular election.

Members may be removed.

Vacancies how filled.

§ 5. It shall be the duty of the board of education to hold regular meetings once each month during the year, and they may meet by adjournment at such other times and places as they may think proper; and the president of the board, or any two members thereof, may call a special meeting of the board by giving five days' notice of the time and place thereof by publication in one of the city papers or by personal service of a similar notice, in writing, upon all the other members of the board. Said board shall organize within five days after said election, by appointing one of their number president of the board. Said board shall also appoint a clerk and treasurer, neither of whom shall be required to be members thereof, and said treasurer shall execute to said board such official bond, with such conditions and with such security as the board of education may require, and said bond shall be at least double the amount of the money that may come into his hands. Said president, treasurer, clerk, shall hold their respective offices for the term of one year, and the latter two until successors shall be elected and qualified. Said clerk and treasurer may, however, be removed from their offices, at any time, by the said board. It shall be the duty of the president, when present, to preside at all meetings of the board; and it shall be the duty of the clerk to be present at said meetings, and to record in a book to be provided for that purpose, all the official proceedings of said board, which record shall be public and open to the inspection of any person interested, and all said proceedings when recorded shall be signed by the president and clerk, and a copy thereof certified by the clerk shall be *prima facie* evidence of such proceedings in courts and other places. If the president or clerk shall be absent the board may appoint a president and clerk *pro tem*. The duties of treasurers shall be such as shall be prescribed by said board.

Time of meeting.

When to organize

Officers appointed.

Term of office.

Prima facie evidence.

Abstract to be made.

School fund to be paid over.

Board to make report.

§ 6. It shall be the duty of said board to cause an abstract of the whole number of white persons under the age of twenty-one years in said Lacon union school district, to be furnished annually to school commissioners or other proper officer on or before the first day of November; and the school commissioner or other officer as aforesaid, shall annually pay to the treasurer of said board of education the proportion of the school, seminary, college fund and state tax to which said Lacon union school district would be entitled according to the number of white persons aforesaid under the age of twenty-one years, and shall take duplicate receipts therefor one of which he shall retain, the other to be filed with clerk of the board of education; said board shall also at the same time make a report of the condition of all the schools, the text books used, the num-

ber of scholars in attendance, the average daily attendance, all other necessary information that may be required by the general acts of the legislature.

Tax to be levied. § 7. Said board of education shall, on or before the first day of May in each year, cause to be raised by taxation, in addition to the state and township fund, a sum sufficient for the support of schools in said district the ensuing year; said tax to be levied on all the taxable property in said district and not to exceed one half of one per cent on the assessed value of said property; they shall fix upon and determine the rate per cent. for each year; they shall make an order therefor and shall enter the same on the records of said board, and said board shall within thirty days thereafter furnish the county clerk with a copy thereof certified by the clerk of said board. Said county clerk shall compute said tax in the same manner and at the same time as the state and county tax, and the same shall be collected as other revenue. When so collected it shall be paid by the collector to the treasurer of said board of education and duplicate receipts taken therefor as aforesaid.

Clerk to compute tax.

Tax levied for building school houses. § 8. For the purpose of erecting school houses, or purchasing school house sites, or for repairing and improving the same, for procuring furniture, fuel and district libraries, the board of education of said district shall have power to levy or have levied tax and collected, not to exceed five mills on the dollar on all the taxable property of said district. Said board shall also have power, for the erection of school houses and purchasing sites for school houses, to borrow at a rate of interest not to exceed ten per cent. per annum, and issue bonds therefor, in sums not less than one hundred dollars; which bonds shall be executed by the president and clerk of said board: *Provided*, that the total indebtedness incurred by said district under this section shall not at any time exceed two per centum of the assessed value of the real and personal property of said district.

Borrow money.

Provide

Board to transact all business. § 9. The board of education shall transact all the business which may be necessary in relation to the schools of said district.

Establish school. *First*—Said board shall establish a sufficient number of schools for the education of all persons over the age of five and under the age of twenty-one years, they shall have power to establish different grades in such schools, and put in such a course of study in each of said grades as they may think proper.

Provide ground. *Second*—Said board shall cause suitable lots of ground to be procured, and suitable buildings to be erected, purchased or rented for school houses, and shall supply the same with furniture and fuel, and may cause said buildings and other property to be insured, and shall make all other

provisions relative to schools which they may deem proper.

Third—Said board of education may employ a superintendent, who shall, under the direction of the board, have general supervision over all the schools. Said board shall by one or more of their number, visit each one of said schools at least once each month, and shall cause the result of said visit to be entered on the records of the board.

Board to employ
superintendent

Fourth—Said board shall have power to appoint all the teachers of said schools, fix the amount of their salaries, and may dismiss them at any time for incompetency, cruelty, negligence or immorality; and said board shall direct what branches of learning shall be taught in each school, and may suspend or expel from the school any pupil found guilty of refractory or incorrigibly bad conduct: *Provided, however,* that in the selection of assistant teacher the superintendent may be consulted by the board.

Appoint teachers

Fifth—Said board shall have entire control of the school fund of said district, whether consisting of the portion of the school, college, seminary or township fund, belonging and to belong to said district as aforesaid or raised by taxation as aforesaid or otherwise, to be used and applied by them for the purposes aforesaid, and no money shall be paid out of the treasury of said board, except upon the order of said board therefor.

Control of school
fund.

§ 10. Said board of education shall at the end of each year cause to be prepared a statement exhibiting the condition of schools, which statement shall be substantially as follows, viz:

Statement of con-
dition of schools

1st—The whole number of schools which have been taught in said year; what number have been taught by males exclusively; what number have been taught by females; what part by males and females.

Number of
schools taught.

2d—The whole number of scholars in all the schools, giving the number of males and females in each, and the average daily attendance in each school. And to enable them to do this they shall require the teachers to keep correct schedules of the attendance.

Average atten-
dance.

3d—The aggregate number of male and female teachers, the highest, lowest and average monthly compensation paid to teachers.

4th—The amount of money received from school commissioner or other officer and from taxes, and the amount of all other funds received into the treasury of the board.

Amount of money
received.

5th—The amount and kind of unexpended funds on hand at the end of each year.

6th—The amount paid for teachers' wages, for school house lots, for building, repairing, renting, purchasing and furnishing school houses, for school apparatus; amount paid as compensation to school officers and for other ser-

Amount paid
teachers.

vices ; and in every case stating to whom paid and for what purpose.

7th—A statement of the total amount received and paid for school purposes.

May receive gifts,
grant, &c.

§ 11. Said board of education may receive any gift, grant, donation, devise, bequest or legacy made for the use of any school or schools or library or other school purpose within their jurisdiction ; and they shall be and are hereby invested in their corporate capacity, with the title, care and custody of all school houses, school sites, libraries, apparatus and other property belonging to said school or schools aforesaid or which may be within their jurisdiction, with full power to control the same in such manner as they may think will promote the interests of the schools and the cause of education ; and when, in their opinion, any school house or school house site has become unnecessary or inconvenient or unsuitable for a school, said board may sell and convey the same in the name of the board ; and such conveyance as well as all other conveyances, contracts and assignments of the board, shall be executed by the president and clerk ; and the avails of all sales shall be paid to the treasurer of said board, for the benefit of schools.

May sell school
property.

§ 12. Said board of education may make such by-laws, rules and regulations as may be absolutely necessary to the exercise of the foregoing powers.

Annual report, to
whom submitted

§ 13. The annual report of the board of education shall be submitted at the time of the election for members of the board of education. Said election shall be held at such hour and be conducted in such manner as may be prescribed by the board of education : *Provided*, that the election shall be by ballot.

§ 14. This act shall be deemed a public act and shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

In force Feb. 16,
1857.

AN ACT for the relief of persons therein named.

Whereas

WHEREAS it appears from the report of the finance committee of the board of supervisors of Pike county, based upon the oath of one of the firm of Ross, Gay & Co., that the assessor of the town of Pittsfield, in Pike county, did assess the said firm of Ross, Gay & Co. for ten thousand dollars more property than they had on hand and required by law to assess for taxation for the year 1854 ; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts is hereby directed to draw his warrant upon the treasurer in favor of Ross, Gay & Co., for the sum of forty-nine dollars and thirty-four cents, the amount of the state tax so erroneously assessed and paid, and that the same be paid out of any moneys in the treasury not otherwise appropriated.

Auditor to draw
his warrant.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT for the relocation of the county seat of Cass county.

In force Feb. 16,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That an election shall be held in the several precincts of Cass county, at the next general election, to be held on the Tuesday after the first Monday in November 1857, at which election the legal voters of said county shall vote for and against the removal of the seat of justice of said county from Beardstown to Virginia, in said county; and if it shall be found that a majority of the legal voters of said county have voted in favor of said removal, the seat of justice of said county is hereby declared to be located at and in the said town of Virginia.

Time of election

§ 2. It shall be lawful for the citizens of Virginia, or any number of them, or any other persons, at any time before or after said election, to enter into bond or bonds to the county court of Cass county, for the use of said county, for the payment to said county of such sums of money as they may think fit to donate for the purpose of erecting public buildings in said town of Virginia; and in the event that the seat of justice of said county is removed to Virginia by the vote of the voters of said county, then said bond or bonds shall be legal, valid and binding.

May enter into
bonds before or
after election.

§ 3. Due notice shall be given by the proper officer of holding said election for the same time and in the same manner as notice is required to be given of general elections.

Notice of elec-
tion.

§ 4. If it shall appear that a majority of the votes cast at said election are for the removal of the seat of justice, it shall be the duty of the county court of said county at the court holden first after the said election, to provide for the erection of the public buildings of said county, by contract-

In case of removal
of county
seat to erect
buildings.

ing for the building of a court house; and when said court house is completed, or within thirty days thereafter, all county officers required by law to keep their offices at the county seat shall remove their respective offices to Virginia.

Election may be
contested.

§ 5. Any ten citizens of said county may contest the said election before the circuit court of said county, which court shall have full power to hear and determine said contest and to decide whether a majority of the legal voters have voted for said removal.

Returns
made

§ 6. The clerk of the county court shall provide poll books, and said election shall be conducted, and returns thereof made, and the result thereof ascertained in the same manner as is prescribed by law in case of the election of members of the general assembly: *Provided*, that said election shall not be contested unless notice of the intention to contest the same be given by at least ten of the legal voters of the county to the clerk of the county court or his deputy, within thirty days after the result of the election shall have been published by the proper officer or officers.

APPROVED Feb. 16, 1857.

In force Feb. 18, AN ACT to prevent certain stock herein named from running at large in the county of Mercer.

Sheep and swine
not to run at
large

[SECTION 1.] *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That from and after the first day of March next it [shall] not be lawful for any person or persons, possessor or possessors of any sheep or swine to allow them to run at large within the county of Mercer, and if any person or persons residing within said county of Mercer, being the owner or owners, possessor or possessors of any sheep, hog or hogs, shoat or shoats, pig or pigs, shall permit them to run at large within said county as aforesaid, such person or persons shall forfeit and pay the sum of five dollars per head to any person or persons making complaint before any justice of the peace in and for said county, to be collected as in actions for debt before such justice of the peace with the cost of suit.

APPROVED Feb. 18, 1857.

AN ACT making appropriations for the State Agricultural Society. In force Feb. 17, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That until otherwise provided by law, the treasurer of the state shall annually pay to the treasurer of the agricultural society of the state of Illinois the sum of three thousand dollars out of any money in the state treasury not otherwise appropriated.

Treasurer of state
to pay out money

§ 2. The sum granted as aforesaid shall be strictly appropriated to the payment of premiums awarded to encourage and promote the object for which said society is instituted.

§ 3. This act to be in full force from and after its passage.

APPROVED Feb. 17, 1857.

AN ACT to authorize the board of education of a town therein named to purchase school libraries. In force Feb. 14, 1857.

[SECTION 1.] *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the board of education of township forty two (42) north, range one (1) east of the third (3) principal meridian, being the town of Scott, Ogle county, state of Illinois, be and are hereby authorized to use any surplus interest, after paying the teachers in said town, in the purchase of school libraries for the use of said township.

APPROVED Feb. 14, 1857.

AN ACT for the relief of John H. Deck.

In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of this state be required to draw a warrant upon the treasurer of this state in favor of John H. Deck, for the sum of fifty dollars, in full for his services in the apprehension of William Floodman, who was charged with the murder of Seth Converse, in St. Clair county.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

In force Feb. 14,
1857.

AN ACT for the relief of Benjamin Bruce and others.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the securities of John R. Smoot, late sheriff of Gallatin county, and ex officio collector of revenue for said county, are hereby released from a judgment obtained against them in the Sangamon circuit court on the twenty-fifth day of July, one thousand eight hundred and forty-eight, for the balance of revenue for the year eighteen hundred and forty-four, for the sum of seven hundred and ninety-two dollars and four cents, he and hereby forever released from all liabilities on account of said bond and judgment thereon: *Provided,* that nothing herein contained shall be construed as to release the said sheriff from the debt or any portion thereof.

§ 2. This act shall be in force from and after its passage.

APPROVED Feb. 14, 1857.

AN ACT to authorize the construction of a road therein named.

In force Feb. 17,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John W. Mitchell and William Mathews, of Saline county, Illinois, be and they are hereby appointed commissioners for the construction of a road across Horse Swamp, in said county, on the state road leading from Marion, in Williamson county, to Equality, in Gallatin county; that said commissioners shall execute a bond with good security in the sum of fifteen hundred dollars to the people of the state of Illinois, conditioned that they will faithfully apply the funds hereinafter appropriated to the purposes specified in this act; that the county court of said Saline county shall approve said bond, and the same shall be filed in the office of the treasurer of state.

§ 2. *Be it further enacted,* That upon the filing of said bond with the state treasurer, he shall pay over to the said John W. Mitchell and William Mathews, or either of them, the sum of seven hundred and seventy-seven dollars out of the "Saline River Navigation Fund," taking a receipt for the same.

§ 3. *Be it further enacted,* That said bond shall be filed within six months from the passage of this act, and the said commissioners shall proceed to construct said road in such manner as they may deem best calculated to promote the interest of said county, and shall report from time to time to the state treasurer the progress of said work, and when

completed make a statement to the treasurer of their account; and the said work shall be completed within twelve months from the filing of said bond. This act to be taken and deemed a general law and be in force from and after its passage.

APPROVED Feb. 17, 1857.

AN ACT to legalize a certain record of the county commissioners' court of Will county, establishing a certain road therein named. In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the record of a certain proceeding in the county commissioners' court of the county of Will, approving the report of a survey of a road from section number two, town thirty-seven, range nine east of the third principal meridian, in the county of Will, to intersect the Naperville and Plainfield road, as the same is now recorded, be and the same is hereby established and confirmed and the said road declared to be legally layed according to the said survey; and the board of supervisors are hereby authorized to direct the same to be opened whenever the public interest shall require. Report of survey
Confirmed.

APPROVED Feb. 18, 1857.

AN ACT for the relief of John D. McGraw.

In force Jan. 31, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the governor of the state of Illinois be authorized and he is hereby directed to issue a patent for lot No. two (2) of section (16) sixteen, in township six (6) north, of range No. three (3) east of the third principal meridian, to John D. McGraw, of Fayette county, Illinois.

APPROVED Jan. 31, 1857.

In force Feb. 18, 1857. AN ACT to authorize the commissioners of highways, in the respective towns, in the county of Peoria, to alter, change, relocate or discontinue certain roads therein named, and also for the survey and location of a certain road therein named.

Commissioners of highways. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the commissioners of highways in any town in the county of Peoria are hereby authorized and empowered to change, alter, relocate or discontinue the Peoria and Rock Island state road or the road from Brenfield to Rochester: *Provided,* they do not materially increase the distance of travel on said road or roads or do not place said road or roads on worse grounds than now occupied: *And, provided,* they do not discontinue said road unless a majority of the legal voters residing within one and a half miles of said road, by petition requesting the same to be done.

Not to increase distance. § 2. *Be it further enacted,* that Elijah Hles, Samuel B. Fisher and Henry Converse, of Sangamon county, be and they are hereby appointed commissioners to survey and locate a state road, commencing at the north end of Sixth street, in the city of Springfield; thence north with the line of said street produced to a point at or near the south side of the Chicago, Alton and St. Louis railroad; thence in a northeastly direction until it intersects the present traveled road from said city to Carpenter's mill, at or near Henry Converse's house.

Commissioners. § 3. Said commissioners or a majority of them shall, on or before the first day of March next, meet at the city of Springfield, in Sangamon county, or on some day thereafter, and after having taken an oath before some justice of the peace of said county, well and truly to perform the duties required of them by this act, they shall proceed to survey and locate said road on the route above designated, and they shall prepare a plat of said road and a report of their proceedings as such commissioners, and shall file the same in the clerk's office of the county court of Sangamon county, and said plat and report shall be evidence in all courts of record in this state.

Name of meeting. § 4. After the filing of said plat and report in the clerk's office of Sangamon county, said road shall be deemed a state road and public highway, and it shall be the duty of the county court of Sangamon county to immediately cause said road to be opened and kept in repair as other roads.

Make plat; § 5. This act to take effect and be in force from and after its passage.

To be deemed a highway. APPROVED Feb. 18, 1857.

AN ACT to authorize the several parts of townships in Hamilton county to organize as whole townships, by the election of officers, and to divide the local funds of said townships equitably. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the inhabitants of the several parts of townships situated in Hamilton county, state of Illinois, may on ten days' notice be given by posting up advertisements in three or more public places in said part of township, stating the time and place of holding said election, elect three trustees, to be governed by the same laws and regulations that trustees are now governed by in this state, or such as may hereafter be passed on the subject, and to have regular succession.

Notice given.

§ 2. That as soon as said trustees are elected and qualified and have appointed a treasurer, he giving bond as now required by law, they shall be capable in law to demand and receive all moneys to which said part of township may be entitled to, and hold, loan, disburse and otherwise manage the same as like officers in congressional townships within this state: *Provided, also,* that the several parts of the same townships in the counties of Saline and Wayne may and shall have like organization on like terms and by like process, which it shall be their duties to do.

To receive all moneys.

Proviso.

§ 3. The old trustees in the several parts of townships hereby affected shall order said election and remain in office for the terms they were elected, and only a sufficient number of new trustees be elected to fill the board in the parts of townships hereby affected, who shall hold office until the next regular election for trustees, and until their successors are elected and qualified.

Old trustees to remain in office

§ 4. The division of said funds composed of principal and interest arising from the sale of school lands and any other source by which the common fund has been created, shall be divided according to territory; and the new board hereby created shall meet together at the present place of doing business after election and qualification, and settle with the old or present treasurer, and make an equitable division of the notes, bonds and evidences of indebtedness, making the same equal to equal territory, and in the same proportion where the territory is not equally divided by the county lines, the old treasurer retaining as treasurer the amount due the district in which he may reside, if the trustees thereof see cause to retain him, and his bond now executed shall be deemed as security for the faithful performance of the duties of his office under this act and the school law now in force; the balance to be paid over to the new treasurer, who shall be subject to the laws now regulating the duties of treasurer of townships.

Division of the funds.

Balance to be paid over.

§ 5. Said new board of trustees shall possess all powers conferred now or hereafter by the laws of this state and shall be subject to the same.

§ 6. This act shall be taken and deemed a public act and be in force from and after its passage.

APPROVED Feb. 16, 1857.

On or before April 1, AN ACT to prevent sheep and swine from running at large within the county of Mason.

Not lawful for
sheep and swine
to run at large.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That from and after the first day of April, A. D. 1857, it shall not be lawful for any person or persons, possessor or possessors of any sheep, hog or hogs, shoat or shoats, pig or pigs, to allow the same to run at large within the county of Mason; and if any person or persons, being the owner or owners, possessor or possessors of any such sheep, hog or hogs, shoat or shoats, pig or pigs, shall permit the same to run at large within the county aforesaid, such person or persons, possessor or possessors shall forfeit and pay the sum of five dollars per head to any person or persons making complaint before any justice of the peace in and for said county, to be collected as in an action for debt before such justice of the peace, together with the costs of suit, and shall also pay all damage resulting from the running at large of such sheep or swine to the person or persons so damaged: Provided, however, said sheep, hog or hogs, shoat or shoats, pig or pigs shall not be considered as running at large while they remain upon the premises of the owner or owners, possessor or possessors of the same, not occupied by any other person or persons.*

Proviso.

§ 2. The provisions and penalties of this act shall not apply to the owner or owners of sheep or swine running at large upon the unoccupied lands located in the Illinois river bottoms, the Sangamon river bottoms or the Salt creek bottoms, within the county of Mason aforesaid; and this act shall not be so construed as to prevent or in anywise interfere with persons driving sheep or swine to or from the market where such sheep or swine may have been bought or sold.

§ 3. This act shall be in force from and after the first day of April next.

APPROVED Feb. 14, 1857.

AN ACT for the relief of the securities of John C. Moses, late collector of Brown county. In force Feb. 17, 1857.

WHEREAS John C. Moses, late collector of the county of Brown, became a defaulter to the state of Illinois, leaving his securities liable, &c.; and whereas, also, the said securities have paid a part of said liability; now, therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That said securities of the said John C. Moses, collector as aforesaid, be and they are hereby allowed the further time of two years from and after the first day of February, A. D. 1857, for the settlement of their said liability as such securities. Securit

§ 2. This act to be in force from and after its passage.
APPROVED Feb. 17, 1857.

AN ACT to incorporate the Illinois State Horticultural Society. In force Feb. 14, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Illinois State Horticultural Society, of which Dr. G. S. Hull is president and James E. Starr, recording secretary, shall by that name and style be hereafter known as a body politic.

§ 2. The object of the society being to develop and promote the horticultural interests of the state, they shall be allowed for that purpose only to hold real and personal estate, the former to the amount of twenty thousand dollars. Objecta.

§ 3. The society shall have the right to contract and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto in all courts of law and equity of this state; and shall further enjoy all the privileges incident to incorporations of said character, and not inconsistent with the laws of this state. Powers.

§ 4. The society shall have power to alter and amend their present constitution, to make, alter and repeal such by-laws as may be deemed necessary for carrying out the objects of the society. Power to change constitution.

§ 5. This act to be in force from and after its passage.
APPROVED Feb. 11, 1857.

In force Jan. 30, 1857. AN ACT to authorize school district No. seven, in the town of St. Charles, Kane county, Illinois, to borrow money.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the directors of school district number seven, in the town of Saint Charles, county of Kane, are hereby authorized to borrow such sums of money, not exceeding four thousand dollars, as they shall deem necessary for the purpose of completing and furnishing the school house already erected in said district; and for that purpose said directors are hereby authorized to issue the bonds of said school district for sums not less than one hundred dollars each, bearing interest at the rate of not more than ten per cent. interest, payable annually, and payable at such time or times as they may deem proper, not exceeding ten years from date; which said bonds may be negotiated or sold for such discount or premium as the said director shall deem proper, and the money realized from the sale of said bonds shall be faithfully applied for the purpose of completing and finishing said school house for said district.

Directors authorized to borrow money

May issue bonds.

Interest not to exceed ten per cent.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Jan. 30, 1857.

In force Feb. 15, 1857. AN ACT for the relief of Asa B. Roff, late sheriff and collector of revenue for county of Iroquois.

Preamble.

WHEREAS Asa B. Roff, late sheriff and collector for the county of Iroquois, in consequence of the responsibility and great risk of safely keeping the revenue collected in said county, there being no provision made by safes or other secure places for the keeping of said county and state revenue, did, in the month of January, A. D. 1856, deposit in various banks, in the city of Chicago, several sums of money, in good faith, for the safe keeping thereof—a part of said sums amounting to fifteen hundred dollars, being by him deposited in the Commercial Exchange Company, of Chicago, which company failed in the month of March following; in consequence of which failure he has only been able to collect and deposit in the state treasury the sum of three hundred and seventy-five dollars, leaving a remainder of eleven hundred and twenty-five dollars now due the state, and for which he has been sued in the supreme court, in the city of Springfield; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That, provided the said Asa B. Ross, with a sufficient number of his securities to satisfy the auditor of state, shall, during the first week of the next term of the circuit court in and for the county of Sangamon, after the passage of this act, confess judgment for the amount due the state from said Asa B. Ross, for state revenue by him collected, execution on said judgment shall be stayed for the term of two years from and after the passage of this act.

Execution to be stayed.

§ 2. This act shall be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to provide for the improvement of the road across the Illinois river bottom, opposite the town of Morris, in Grundy county. In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the board of supervisors of Grundy county, by and with the advice and consent of the board of directors of the Morris Bridge company, are hereby authorized and empowered to levy, at such time or times as they shall think proper, the following additional rates of toll on persons and their property crossing the Morris bridge, to wit: For each vehicle, drawn by one or two animals, five cents; for each additional animal in team, two cents; and for each head of loose horses, cattle, mules or asses, one cent; and that the directors of the Morris Bridge company shall cause said additional tolls to be collected in like manner as are the regular tolls of said bridge; and one-fifth of the net proceeds of all the tolls collected at the Morris bridge, during such time or times, after deducting for all necessary expenses and repairs of said bridge, shall be set apart and constitute a fund for the purpose of grading, graveling, bridging, macadamizing and keeping in repair the public road leading from the southern terminus of the Morris bridge to high water mark, near the centre of the north half of sec. 16, T. 33, R. 7 E., 3d P. M.

Supervisors.

Rates of toll.

One fifth set apart.

§ 2. *Be it further enacted,* The board of supervisors of Grundy county, the town council of the town of Morris and the directors of the Morris Bridge company, shall each elect one person, who, together, shall constitute and be known as the commissioners for the improvement of the road across the Illinois river bottom, opposite Morris; and as such shall have full power to sue and be sued, plead and be

Commissioners.

impleaded in any court having competent jurisdiction; said commissioners shall hold their office one year and until their successors shall be elected, and a majority shall constitute a quorum to transact business.

Survey.

§ 3. *Be it further enacted*, It shall be the duty of said commissioners as soon as there shall be sufficient funds provided as in section one hereof, to proceed to make the necessary survey and let, at public letting, to the lowest responsible bidder, the construction of the necessary improvements on said road as described in sec. 1 hereof, first commencing at the southern terminus of the Morris bridge and completing the same southward as the funds accruing from time to time shall justify; said commissioners shall certify monthly to the directors of the Morris Bridge company the amount due contractors for labor done and material furnished as the work progresses, and said directors shall draw orders on their treasurer for the amount so certified, after deducting twenty-five per cent., until the completion of the contracts, payable out of the special fund by this act created.

Commissioners
certify to di-
rectors.

Compensation

§ 4. *Be it further enacted*, Said commissioners shall report quarterly to the board of directors of the Morris Bridge company, all of their acts and doings as such commissioners, and shall be paid at the rate of one dollar and twenty-five cents per day, and in like proportion for part of a day actually spent by them in the performance of their duties as such commissioners, to be audited by the said board of bridge directors, and paid out of the special fund hereby created. Said commissioners shall be responsible to the board of directors of the Morris Bridge company for the faithful performance of all their duties as such commissioners.

This act to be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT to relocate the county seat of Saline county.

In force Feb. 7,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That at the election to be held on the Tuesday after the first Monday in November, one thousand eight hundred and fifty-seven, in the county of Saline, a poll shall be opened at each of the election precincts in said county to decide upon the relocation the county seat of said county. The places to be

Election to de-
cide on reloca-
ting the county
seat.

voted for shall be Raleigh, the present county seat, and Harrisburg, the proposed county seat, and no others. The qualified voters of said county may vote upon said question; those desiring the county seat to remain at Raleigh shall have printed or written upon their ballots, "For county seat, Raleigh;" those wishing to remove said county seat shall have printed or written upon their ballots, "For county seat, Harrisburg."

§ 2. When the county clerk of said county gives notice of the election in November, A. D. 1857, it shall be his duty to state in said notices that said poll will be opened at the election precincts in said county according to the provisions of this act.

§ 3. The judges and clerks of said election shall make returns of said election in the manner and time now prescribed by law in regard to other elections in this state. Returns of election.

§ 4. When the returns shall have been made to the clerk of the county court of said county of Saline, he shall proceed to open and count the votes given for the relocation of the seat of justice at the town of Harrisburg, and also the votes given for retaining the seat of justice at Raleigh; the opening and counting of said votes shall be in accordance with the laws requiring the opening and counting of the votes of the elections in this state; and if a majority of all the votes cast for and against the removal and relocation are in favor of location at Harrisburg, then Harrisburg shall be and remain the permanent seat of justice of said county of Saline; and the county court of said county shall provide temporary buildings for the accommodation of the county officers and courts of said county, and shall as soon as practicable proceed to erect permanent public buildings, and the officers of said county shall on or before the 1st day of January, A. D. 1858, remove their offices to said new county seat, together with all the books, papers, records, documents and appurtenances belonging thereto, and the county and circuit courts of said county shall be held in the town of Harrisburg. County clerk to open returns.

§ 5. This act shall take effect and be in force from and after its passage. County court to provide temporary buildings.

APPROVED Feb. 7, 1857.

In force Feb. 17, 1857. AN ACT to establish the town of Lakeview, in Cook county, and to change the name and boundaries of the town of Ridgeville and to constitute the same a township for school purposes.

Fractional township SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all of fractional township forty north, of range fourteen east, in Cook county, except sections 31, 32 and 33 and that part of section 30 lying south and west of the North Branch of the Chicago river, shall form and constitute, for town purposes, the town of Lakeview; and that the clerk of the county court of Cook county is authorized and directed, in the same manner as required by law of town clerks, to post notices of an election to be held in the said town of Lakeview, on the first Tuesday of April next, to elect town officers.

Name of town changed. § 2. That the name of the town of Ridgeville, in Cook county, be changed to Evanston, and that the town of Evanston comprise all of fractional township forty-one north, of range fourteen east, sections twelve, thirteen, twenty-four, twenty-five and thirty-six, in township forty-one north, of range thirteen east, the Archange Oimleneth Reserve, and fractional sections twenty-two, twenty-six and twenty-seven, in township forty-two north, range thirteen east, and that the same form and constitute a township for school purposes, and be known as township forty-one north, range fourteen east.

Trustees authorized to pay over to trustees. § 3. That the trustees of schools of township forty-one, range thirteen, and the trustees of schools of township forty-two, range thirteen, are authorized and directed and are hereby required to pay to the trustees of schools of township forty-one, range fourteen, one-sixth part of the township school funds belonging, respectively, to their said townships; and the same shall become and be a part of the township school fund of township forty-one north, range fourteen east.

Officers to be elected. § 4. That at the next annual election in the said town of Evanston there shall be elected, in addition to other officers then to be elected, one justice of the peace and one constable, whose term of office shall continue till the next election of justices of the peace and constables.

Acts repealed. § 5. That all acts or parts of acts conflicting with this act are hereby repealed, and that no act, general or special, relating to school purposes hereafter enacted shall affect or repeal any of the provisions of this act, unless the same be specifically mentioned in the repealing act; and this act to be in force from and after its passage.

APPROVED Feb. 17, 1857.

AN ACT for the relief of Mary A. Ames.

In force Feb. 16,
1857.

WHEREAS Mary A. Ames, of the county of Monroe, taught a school in said county previous to the first day of October, 1856; and whereas the schedules of said school should have been returned to the trustees of schools of three different townships, in said county, but by a misconception of the law the said schedules were not returned to the trustees of townships Nos. two south, range nine west, and three south, range nine west, and three south, range eight west, whereby the said Mary A. Ames failed in receiving the school fund on her schedules which she was entitled to; and it appearing that there was due her on said schedules from township No. 2 S., range 9 W., the sum of \$14 79, and from township 3 S., range 9 W., the sum of \$10 33, and from township 3 S., range 8 W., the sum of \$38 06; therefore, in order to enable said Mary A. Ames to receive from said township whatever amount may be due her on said schedules,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the trustees of schools of said townships No. 2 S., R. 9 W., and 3 S., R. 9 W., and 3 S., R. 8 W., be and they are hereby authorized and permitted to receive said schedules at the time of receiving schedules in April, 1857, and may, if they see proper, allow the same, and order their several treasurers to pay said Mary A. Ames whatever amount they may find due and justly going to her from their respective townships on said schedules.

Trustees of
schools author-
ized to settle.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to legalize the assessment of a tax for school purposes in district No. 2, town 27, R. 6, in Livingston county. In force Jan. 29,
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the assessment of a tax in school district No. two, in township No. twenty-seven north, of range six east of the third principal meridian, in Livingston county, which was made in said district in 1856, for the purpose of building a school house in said district, is hereby legalized, and said tax shall be collected in the manner provided by law for the collection of taxes.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Jan. 29, 1857.

In force Feb. 18,
1857.

AN ACT to relocate the county seat of Gallatin county.

- Section.** SECTION. 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That at the election to be held on the Tuesday after the first Monday in November, one thousand eight hundred and fifty-seven, in the county of Gallatin, a poll shall be opened at each of the election precincts in said county, to decide upon the relocation of the county seat of said county. The places to be voted for shall be Shawneetown, the present county seat, and New Market, the proposed county seat, and no other. The qualified voters of said county may vote upon said question—those desiring the county seat to remain at Shawneetown shall have written or printed upon their ballots, "For county seat, Shawneetown;" those wishing to remove said county seat shall have printed or written on their ballots, "For county seat, New Market."
- Qualified voters.** § 2. When the county clerk of said county gives notice of the election to be held in Nov., A. D. 1857, it shall be his duty to state in said notices that said poll will be opened at the election precincts in said county according to the provisions of this act.
- Notice of election**
- Returns.** § 3. The judges and clerks of said election shall make returns of said election in the manner and time now provided by law in regard to other elections in this state.
- County clerk,**
open returns. § 4. When the returns shall have been made to the clerk of the county court of said county of Gallatin, he shall proceed to open and count the votes given for the relocation of the seat of justice at the town of New Market, and also the votes given for retaining the seat of justice at Shawneetown. The opening and counting of said votes shall be in accordance with the laws requiring the opening and counting the votes of the elections in this state; and if a majority of all the votes cast for and against the removal and relocation of said county seat are in favor of its location at New Market, then New Market shall be and remain the permanent seat of justice of said county of Gallatin. And the county court of said county shall, as soon as practicable, proceed to erect permanent public buildings at the said town of New Market: *Provided*, that the said buildings shall be erected and completed by the first day of February, A. D. 1860; and the officers of said county shall, when the said buildings are completed, remove their offices to said new county seat, together with all the books, papers, records, documents and appurtenances belonging thereto; and the county and circuit courts of said county shall be held in the town of New Market.
- Shall be majority be for removal, how to proceed.**
- Provide** § 5. This act shall take effect and be in force from and after its passage.
- APPROVED Feb 18, 1857.

AN ACT to enable the people of Du Page county to relocate the county seat and buildings. In force Feb. 7, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the qualified voters of the county of Du Page, at the time and place of holding town meetings for the election of town officers, to be held in the several towns on the first Tuesday of April, A. D. 1857, are authorized to vote upon the proposition to remove the seat of justice from its present location at Naperville, to the village of Wheaton, in the town of Milton, in said county; the vote to be by ballot; each voter's intention to be defined and declared by the words "For removal," or "Against removal." And the said vote shall be ascertained by the officers of said election, according to the provisions of the general election law. The officers of said election shall, in addition to the town clerk and moderator, as provided for at town meetings, consist of the supervisor and collector of the several towns, and also an additional clerk, who shall be sworn to perform the duties of their office, the same as at general elections. Said board shall receive for their services per diem the same as at other elections, out of the county treasury.

To vote upon removal of county seat.

Election, how conducted.

§ 2. The result of said election, being ascertained in the usual manner, and properly attested by the board of said election, as well for town officers as "For" and "Against" removal, and the result of said vote "For removal" and "Against removal" shall be returned to the county clerk, by one of the said board of election, within four days after said election. It shall be the duty of the county clerk to spread said return on his record and notify, by written notice, the board of supervisors, at their first regular meeting after said election, of the result thereof.

Returns to be made to county clerk.

§ 3. If a legal majority of the votes of said county shall be "For removal" of said seat of justice to the village of Wheaton, as aforesaid, and according to the provisions of this act, the board of supervisors are hereby constituted and appointed commissioners to select the place for the erection of public buildings; and in making said selection they shall not select less ground than one entire block, and of the usual size of blocks in said village; and in making said selection they shall not be restricted to the village plat, but may locate the same upon any portion of section sixteen (16,) in the said town of Milton, taking into account in their selection of a location its central position, the value of donations given to the county, its vicinity to the station, and the accommodation of a majority of the inhabitants of the county. And when they shall have se-

Commissioners.

Map of location
to be filed.

lected such location they shall cause a map of the same to be made by a competent surveyor and file the same in the office of the clerk of the county court, together with the abstract of the title to said lands so mapped, which lands they are authorized to purchase for the county, for a sum not exceeding fifty cents per acre, and the title to said lands, together with the map, shall be recorded in the recorder's office in said county.

Specifications to
be made.

§ 4. It shall also be the duty of the board of supervisors, at their first meeting, if the vote shall be for a removal, to cause the necessary estimate and plans and specifications to be made for the erection of a good and permanent public building or buildings for the court house, jail and other public offices of said county, upon said site, and to make arrangements so that said building or buildings may be erected and finished within three years from the first of September, A. D. 1857, and to levy and collect the necessary tax for this purpose, not to exceed fifty cents on every one hundred dollars of taxable property in said county. And when said building or buildings shall be completed and accepted by the board of supervisor, the court, officers, and public records shall be removed, held and kept in said building or buildings, at the said village of Wheaton.

Building to be
erected within
three years.

Notice of election

§ 5. Public notice shall be given of said election by the county clerk, in the newspapers published in said county; and the town clerks of the several towns shall cause a copy of said notice to be posted up in three of the most public places in each town. Said notice shall state that the election is called for the above named purpose of removing the county seat of said county, at least twenty days previous to the holding of said election; but notice of said election may be published and put up in the said several towns by any citizen of the county as aforesaid; and if actually published and put up in the said several towns the same shall be deemed legal and sufficient notice of said election: *And provided, also*, that the refusal of any publisher of any paper in said county to publish said notice shall not render said election invalid.

Proviso

Property, how
disposed of.

§ 6. And in case said county seat shall be removed to the said village of Wheaton, in that case the property now occupied and belonging to said county, at Naperville, consisting of public grounds, court house, jail, clerk's office and any other immovable property, the same shall be conveyed, by good and sufficient deed, by the said board of supervisors, to the said village of Naperville, for public purposes forever, at any time after the county seat shall have been removed and the buildings erected, and after the said village of Naperville shall have become incorporated; but the books, files, papers and other property of

the said county shall not be removed from the present offices till such time as the above mentioned new buildings are completed and accepted by said board of supervisors.

§ 7. In case the said vote shall be to remove the county seat to the village of Wheaton, the said citizens of Wheaton shall be required to secure to the board of supervisors ground on which to erect county buildings, not less than one block, as aforesaid, and to secure to said board, by a good and sufficient bond, the sum of five thousand dollars, for the purpose of assisting in the erection of said buildings, to be paid to the treasurer of the county as fast as the same shall be needed in the erection of said buildings; said sum to be paid under the direction of the board of supervisors, at such times and in such amounts as the said board shall direct; and which said sum shall be so secured to said board of supervisors at or before the time of making such location.

Citizens of
Wheaton in case
of removal to
secure ground

§ 8. The expenses incurred in said election and in fixing the location and removing the county seat shall be paid out of the county treasury of Du Page county. All acts or parts of acts which shall conflict or be in contravention of this act are hereby repealed.

Expense, how
paid.

§ 9. This act to take effect from and after its passage.
APPROVED Feb. 7, 1857.

AN ACT allowing the use of the basement rooms of the court house at Mount Vernon. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the Mount Vernon academy be and are hereby authorized and permitted to use so much of the basement room for the use and accommodation of schools as may not be needed by the supreme court.

Use basement
rooms.

§ 2. The justices or clerk of said court may designate so much of said room as may not be wanted by the court, and prescribe the necessary precautions in the use of the same for safety and preservation.

§ 3. This act to take effect from and after its passage.
APPROVED Feb. 16, 1857.

In force Feb. 14,
1857

AN ACT to incorporate the Illinois River Improvement Company.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William F. Thornton, Wm. B. Ogden, George Steele, George Barrett, John B. Preston, George Walker, Isaac Hardy, Alexander Cruikshank, Churchill Coffing, R. G. Parks, T. B. Blackstone, John L. McCormick, A. Campbell, H. A. Gardiner, E. W. Hazzard, William Fisher, William Fenn, Silas Ramsey, Sidney Pulsiter, Wm. S. Moss, Geo. C. Bestor, William Kellogg, N. B. Curciss, George Harding, William S. Maus, William T. Stackpole, Isaac E. Leonard, Charles Farwell, Horace Billings, E. Lusk, J. W. Trovy, S. P. Thompson, J. J. Mitchell, James Dunlap, H. Lucas, John How, John O'Fallon, Henry Ames, A. Gridley, J. W. Fell, John Frink, Charles Todd, Lorenzo P. Sanger, James M. Ruggles and George N. Walker, and their associates, assigns and successors are hereby made a corporation, under the name and style of the "Illinois River Improvement Company;" which, by that name, shall have perpetual succession, with all the immunities, privileges and powers incident to corporations and necessary to carry into effect the objects and purposes of this act; and there is hereby granted to said corporation the right of raising and maintaining in the Illinois river, by means of a system of dams and locks, a body of water of such a height as to admit the convenient passage of steamboats of ordinary draft, between the steamboat basin, at La Salle, and the Mississippi river, and having in all places, between these points, a depth of water not less than six feet; but said dams shall not be raised so as to overflow the lands adjacent to the river to a greater extent than may be necessary to secure a depth of six feet of water in the channel at all times. The navigation of said river shall not be unnecessarily interrupted or obstructed by the works herein contemplated, and the company shall be liable for all damages occasioned by any unreasonable delay in constructing their works; and in case of damage to said works they shall be repaired with all practicable speed.

§ 2 The capital stock of said corporation shall be three millions of dollars, which may be increased from time to time, by a vote of the stockholders, to any sum not exceeding the cost of said work. It shall be divided into shares of one hundred dollars each, which shall be assignable on the books of the company only, and after the payment of all debts due to said corporation from the holder.

§ 3. The persons incorporated by this act, or any three, are hereby appointed commissioners to receive subscriptions to the stock of said corporation. As soon as the sum of fifty thousand dollars shall be subscribed, and the sum

incorporators

objects and purposes

liable for all damages in certain cases.

Capital stock

commissioners

of five thousand dollars paid or secured to be paid to the acceptance of the commissioners, they may call a meeting of the stockholders, at a time and place to be designated by them, giving at least ten days' notice of the time and place of holding the same, either personally to each stockholder or by publication in one or more newspapers published in a town situated on the said river. At said meeting the stockholders shall elect thirteen directors, who shall hold their offices until the next annual meeting of stockholders, and until their successors shall be chosen and shall accept. A meeting of the stockholders, for the election of directors and the transaction of other business, shall be holden annually thereafter, at the time and place appointed by the by-laws; and special meetings of the stockholders may be holden at any time, at the call of the president, or of any five directors, or upon the written demand of any ten stockholders. At all meetings of stockholders, each share represented by the owner or his proxy shall be entitled to one vote. But said corporation shall not commence the erection of locks or dams in said river until *bona fide* subscriptions shall have been made to the capital stock of said company to the amount of one million dollars in addition to the subscription which may be made by counties, cities and towns, as hereinafter authorized; nor until the sum of one hundred thousand dollars shall have actually been paid on such private subscriptions. Said work shall be effectually commenced within two years from the passage of this act, and completed within seven years, or the rights conferred by this charter shall be lost to said company.

Call meetings

Elect directors

To be commenced
within two
years.

§ 4. Immediately after their election the directors shall meet and choose one of their number to be president. The business of said corporation shall be thenceforth managed by them, or by an executive committee of the president and two directors, to be by them appointed. The board of directors shall frame a body of by laws for the appointment of other officers, agents and others necessary for the company's service, and for regulating their own proceedings and the company's operations: *Provided, however,* that the same shall contain nothing inconsistent with the constitution and laws of this state.

Choose a president.

Provide.

§ 5. The directors may require payments of amounts subscribed for stock, at such times and places as the interests of the company, in their opinion, may demand. They may enforce the collection of the same by the ordinary course of law, and likewise by the sale of any shares delinquent, at public vendue, giving at least ten days' notice thereof in some newspaper published at the place of sale.

May require the
payment of sub-
scription.

§ 6. It shall be lawful for such corporation to enter upon the lands adjoining the said river, and make the

May enter upon
land for purpose
of surveying, &c

necessary levels and surveys. Before commencing their works of construction, they shall file in the office of the secretary of state a plan of the proposed work, specifying the position and height of the dams, the size, height and location of the locks, a profile of the stream, with a detailed estimate of the estimated cost of said work, a statement of the amount of capital stock subscribed with the names and residence of each, and the amount subscribed by each, and all other necessary explanations of the contemplated improvement; which plan shall be subject to the approval of a board composed of the governor, auditor, treasurer, Wright Casey, Samuel Ryder, L. E. Worcester, John McCluskey, Stephen Hambaugh, Jesse Darnelle, H. G. Bryant, Henry E. Dummer, James M. Ruggles, William S. Maus, James Daugherty, Henry Snaebly, Wm. Maxwell, Edward Pulsifer, Alexander Hitchcock, Cyrus Bryant, Thompson Maple, Charles Walker, Stephen A. Douglas, William F. Thornton, W. Milner Roberts, William H. Swift, William Gooding, William B. Ogden and George Wait; which said board shall meet at Springfield, on a notice of the time and place of meeting given by the governor; and if a majority of those present shall approve said plan they shall file their approval in the office of secretary of state, and thereupon said corporation may proceed to construct said work, in accordance with the provisions of this bill. If at such meeting a majority of those present disapprove said plan they shall also file such disapproval in the office of secretary of state, and no alteration shall be made therein, except by their consent. On the said approval of the plan by said board, or a majority thereof, the said corporation may proceed to execute the same, and to erect and construct and maintain dams, wharves, basins, landing places and other necessary buildings, and to perform all other operations necessary to remove obstructions in the bed of said stream, and to improve the navigation thereof. And there is hereby granted to said corporation power to raise the water in the bed of said river, in conformity with the plan aforesaid, or to such alterations of said plan as may be made by them, with the approval the governor, auditor and treasurer of this state, for the time being, at any time hereafter. Said governor, treasurer and auditor may call to their assistance such professional advice and engineering counsel as they may deem proper; and such work shall not be commenced without the sanction of said board, or a majority thereof: *Provided, however*, that a lock, not less than three hundred feet in length and seventy-five feet in width, and admitting the convenient passage of steamboats and other water craft, shall be constructed and maintained in each dam: *And further, provided*, that the owners of land upon the banks of said river, taken by said

Board to meet at
Springfield.

Subject to the
approval of a
board.

May call profes-
sional advice.

Previous

company or injured by the construction of said works, shall receive compensation in the manner pointed out by law, passed and approved June 22, 1852, providing for condemning rights of way for purposes of internal improvement.

§ 7. There is hereby granted to said corporation the right of taking from the bed of the said stream any materials for the construction of said improvements, and likewise the right to enter lands adjoining or near said river and taking therefrom earth, gravel or rocks, to be used for the purpose aforesaid, and likewise the right of taking possession of so much land in the vicinity of said locks and dams as it may find necessary to occupy temporarily while prosecuting such construction; and the said company may take possession and hold any land outside but adjoining the bed of the stream, for abutments, or such as may be necessary to afford a safe and convenient passage around its dams: *Provided, however*, that if said company shall fail to agree with the owner touching his compensation, it shall take measure to acquire the right by proceedings under the law condemning rights of way for internal improvement, approved June 22nd, 1852.

May take from bed of river materials.

Proviso.

§ 8. The said company shall have power to lease all water power arising from the dams erected by them, under such regulations as they shall make touching the use of the said water, and to collect the rents due therefrom. It shall likewise have power to levy and collect from boats, rafts and other water craft passing their dams, and upon merchandise or other commodities transported thereon, reasonable tolls, a tariff of which shall be exposed to public view in some conspicuous manner at each lock, and at such other public places as the directors may appoint. But if the net revenue of said company, after deducting the expense of repairs and managing their said property shall exceed the rate of fifteen per centum per annum of the cost thereof, with ten per cent. interest added to such cost till completion, then the excess thereof shall be annually paid to towns, cities and counties holding stock in said company, in proportion to the amount subscribed by each, to be by them used, respectively, for public schools. All tolls imposed by said company are hereby declared to be liens upon the boat, raft, water craft or property liable to the same; and no boat, raft, or water craft shall pass any of the company's dams or locks without first making payment of the tolls imposed upon the same, and upon the property transported thereon. The company shall appoint collectors at convenient points, and shall have power to enforce rules and regulations for the collection of tolls, and the passage or use of the dams and locks; and may lawfully detain any boat, raft or other water craft which shall pass or attempt to pass the dams or locks of the company,

Power to lease all water power.

Tolls liens upon property.

To afford necessary facilities through dams, &c

without first making payment as aforesaid, or without compliance with such regulations. Said company shall be bound to afford all necessary facilities for the prompt and safe passage through their dams and locks of all water craft running on said river; and any discrimination made to the prejudice of any class of products, wares or merchandise or any water craft on said river, shall subject the company to a fine of one thousand dollars for each offence, to be recovered by the party injured, to his own use, by an action of debt in any court having jurisdiction thereof: *Provided*, that said company shall and it is hereby made their duty to make such rules and regulations as will enable the farmers owning scows, rafts, flat boats, skiffs and canoes, when used by themselves, to pass over the dams of said company in high water free of charge, so far as the same can be done without injury to said dams or other works, and such as will also protect said company from obtaining tolls from allover persons, except those thus excepted.

Towns and cities authorized to become stock holders.

§ 9. Counties, cities and towns situated upon the Illinois river or elsewhere, are hereby authorized, by a vote of the inhabitants, to become stockholders in said corporation. And such county, city or town making such subscription, is authorized to pay the same by executing and delivering its bonds for the amount, payable at such times and places as may be therein expressed, and upon any rates of interest, not exceeding ten per centum per annum, and to pledge the taxes of such county, city or town in payment for said bonds, and for the accruing interest; but no bonds shall be issued by any such municipal corporation until the sum of one million of dollars shall have been subscribed to the capital stock of said company by other subscribers, and the sum of one hundred thousand dollars shall have actually been paid on such subscription. The corporate or proper authorities of each town or city or county holding stock in said company shall appoint three commissioners to arrange its stock, to represent and vote upon it at meetings of stockholders, and to take all necessary measures to receive the revenues from the company, to pay the accruing interest on its bonds, and to manage the sinking fund. When vacancies occur in said board of commissioners, by death, removal from the state, resignation, or other disability, such vacancies shall be filled by the same authorities. Each county, city or town owning stock in said company, shall hold the same in pledge, to be used for the payment of interest and the redemption of all bonds issued in payment thereof. The proper authorities of any county, city or town, having bonds outstanding, issued for stock in said company shall annually provide for the payment of the accruing interest, and after five years for annually setting

To appoint commissioners.

Provide for payment of interest

apart two per centum of the amount then outstanding, for the eventual payment thereof, either from the income of said stock, or, if the same should prove insufficient, from a tax to be assessed for that purpose, upon the property liable to taxation in such county, city or town. It shall be the duty of said board of commissioners, annually, to estimate the amount necessary to be raised by taxes for the purposes aforesaid, and to furnish the same to the proper assessor, to be by him assessed upon the property liable to the same, on the warrant for the collection of state and county taxes, to be collected by the same officer, in the same manner, and paid to the proper board of commissioners, to be by them applied to the proper objects; and any court having jurisdiction is hereby required to enforce the assessment and collection of taxes, and the performance of all duties prescribed in this section, by bill in chancery, by injunction, and other proper process. And all such amounts, so assessed, collected and paid over to said commissioners, shall, from time to time, be invested or used in the purchase up of the bonds to be issued as above named and provided, at the lowest rates at which the same can be obtained, whether at or below par; and when so purchased the same shall be canceled and made void.

§ 10. The directors of said company shall file annually, by the fifteenth day of January, with the secretary of state, a statement of the revenues, expenditures, debts and operations, verified by the oath of its president or treasurer.

Directors file a statement annually.

§ 11. The said Illinois River Improvement Company is hereby authorized to borrow money to supply means for the construction of said works, and to issue bonds for the said loan, in sums of not less than five hundred dollars, payable at such times and places as said company shall judge expedient, and at any rate of interest not exceeding the rate of eight per centum per annum, and sell the same at such price as the directors shall judge expedient; and to secure the payment thereof, it may convey by deed to trustees, upon trusts to be therein specified, the franchise of said company and its rights, and all its property, real and personal, and all it shall thereafter acquire, saving what may be excepted in the said deed, with the power of selling the same in satisfaction of said debts; which deed, when duly executed and acknowledged before some proper officer, and recorded in the office of the secretary of state of Illinois, shall itself, without further steps, be sufficient to vest the grantees with the property therein specified, for the uses and upon the trusts aforesaid. It shall be the duty of said company to create and set apart a sinking fund of not less than three per centum per annum, for the redemption of bonds secured by any such deed of trust, to commence after five years from the date of said bonds,

Authorized to borrow money.

To create a sinking fund

which duty shall be enforced by any court of competent jurisdiction, at the instance of said trustees. In case of enforcing the payment of any such bonds, by sale of the property thus conveyed in trust, under a decree of a court, the franchise and capital stock shall pass to the purchaser, and the court, by decree and process of execution and other proceedings, shall assure the property and peaceable possession thereof to the purchaser. And the books of said company shall be at all times open to inspection of the board, composed of the governor, auditor and treasurer or any person by them appointed.

Rights reserved.

§ 12. The state hereby reserves the right, and the powers hereby conferred upon said company are upon the condition that the state of Illinois or the United States or the state of Illinois and the United states, may resume the rights hereby conferred, and may take said river and the improvements made by said company, by paying to said company the amount of the aggregate cost and expense thereof, together with (12) twelve per cent. annual interest thereon, to be computed semi-annually on all moneys expended from time of such expenditure, and semi-annually thereafter, and added to said cost; and shall also assume the payment of the bonds issued by said company, which said bonds shall be considered as a portion of said cost, less the net receipts and earnings of the said company. It being the intention hereof, that said river and works may be taken and resumed, by paying all moneys expended thereon, with twelve (12) per cent. interest thereon per annum, to be computed semi-annually and added to the principal, less the net earnings and receipts from said works; but this provision is upon the express condition that said state of Illinois shall keep open and clear the navigation of said river.

§ 13. This act shall be taken and deemed a public act, to all intents and purposes; it shall take effect upon its passage; and all laws and parts of laws inconsistent with it are hereby repealed.

Corporation not
to engage in
commerce or
business
therein

§ 14. The corporation hereby created shall not engage in nor be directly nor indirectly concerned in any commercial, storage, commission or forwarding business, nor carrying business; nor shall they own or operate any steam or other boat or boats, except such as may be necessary in the construction and maintenance of the improvements hereby authorized; nor shall said corporation own any lands or town, or town lots or other real estate or houses, not necessary for the construction or maintenance of said river improvement.

APPROVED Feb. 14, 1857.

AN ACT to pay Philip B. Fouke a certain amount therein named for legal services. In force Feb. 10, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts is hereby authorized and required to issue from his office a warrant for the sum of three hundred dollars on the treasurer of this state in favor of Philip B. Fouke, for legal services rendered by him for the state; and the said treasurer is hereby required, upon the presentation of the said warrant, to pay the same out of any money in the treasury not otherwise appropriated.

Auditor authorized to issue warrant.

§ 2. This act to be in force from and after its passage.
APPROVED Feb. 10, 1857.

AN ACT for the relief of Lemuel Corwin, of White county.

In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Lemuel Corwin be and he is hereby restored to all the rights of citizenship to which he was entitled before his conviction of the crime of larceny in the White circuit court.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT to legalize the assessment and collection of certain taxes in Cook county. In force Feb. 6, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the assessment of all taxes in fractional township forty-one (41) north, range fourteen (14) east of the third principal meridian, in the county of Cook, for the purposes of building school houses and for support of schools, together with the state, county and town taxes, together with the collections of the same made and to be made, be and the same is hereby legalized.

Assessment of tax legalized.

§ 2. This act to apply to the assessment and collection of taxes in said township for the year of our Lord one thousand eight hundred and fifty-six; and to take effect and be in force from and after its passage.

APPROVED Feb. 6, 1857.

In force Feb. 17, 1857. AN ACT to amend an act entitled "An act to establish a general system of banking," passed February 15, 1851, and to facilitate the winding up of banks put into liquidation

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That it shall be the duty of the auditor, in addition to the notice required by the 26 section of the act to which this is an amendment, to cause to be published for three months successively in a paper published at the seat of government and in one paper published in the county where the bank or association shall have been located, if one is published in said county, that all circulating notes issued by such bank or association must be presented at the auditor's office, within three years from the date that said bank was put into liquidation, or that the fund deposited for the redemption of the notes will be given up to the receiver, if necessary for payment of debts, and if not necessary for payment of debts, then to the banker or stockholders of the association; all persons holding notes of any such banks, and failing to present them within the three years as aforesaid, shall be barred from action against the auditor or stockholders. The first insertions to be made at least six months prior to the expiration of the said three years.*

§ 2. Whenever it shall be made to appear to the satisfaction of the auditor that the receiver has sufficient assets in his hands to pay the liability of any bank put in liquidation, and the auditor shall have redeemed at least ninety per cent. of the circulating notes, it shall be lawful for any banker or those owning a majority of stock in any bank or association to produce a certificate of deposit, to the credit of the auditor, in some solvent bank in this state, for the amount of the outstanding notes, which certificate shall be payable in specie. The auditor may require in addition to the bank certificate aforesaid a guarantee from a responsible party that he or they will cause to be redeemed at the seat of government, in specie, on presentation, any part or portion of the circulating notes, thereby acquiring an interest in said certificate to the amount thus redeemed. It shall be the duty of the auditor, when the banker or stockholders shall present the certificate aforesaid and a satisfactory guarantee, to deliver up to the party presenting it all securities in his hands. At the expiration of three years from the date of any bank having been put in liquidation, the auditor shall collect any balance that may be due in said certificate and pay it, *pro rata*, to the stockholders.

§ 3. It shall be the duty of all receivers, appointed under the provisions of the act to which this is an amendment, to give notice for six months in a weekly paper

Additional notice
Required.

Circulation.

Certificate of de-
posit.

Guarantee.

Auditor to deliv-
er up securities

Duty of receivers

printed at the seat of government of the state of Illinois, and in one paper published in the county where the bank or association was located, if any paper is so printed or published, that all persons having claims, other than the circulating notes, against any bank or association put into liquidation, as aforesaid, that they must present the same to the receiver within three years from the date of the appointment of said receiver, or be forever barred from receiving from said receiver or from the stockholders of any such bank or association. At the expiration of the three years the said receiver shall pay over to the banker or stockholders all assets that may remain in his hands after liquidating the claims against any such bank or association. It shall be lawful for the receiver or receivers to deliver over at any time to the banker or stockholders of any association, so put in liquidation as aforesaid, any amount of assets in his hands over the probable amount that may be required to satisfy the debts, on taking a good and sufficient bond from the banker or stockholders to indemnify the receivers and creditors of any such bank or association.

To be presented
within three
years.

§ 4. This act shall apply to all banks that have heretofore been put in liquidation under the act to which this is an amendment, as well as those that may hereafter be put in liquidation.

Application of
this act.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT to relocate a certain state road therein named.

In force Jan. 16,
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Melgar Couchman, William English and John G. Fonda, of the county of Hancock, be and are hereby appointed commissioners to relocate a state road from the city of Warsaw, in Hancock county, to the town of Carthage, in said county, commencing at some convenient point on the corporation line of the said city of Warsaw and running on the most practicable route to said town of Carthage.*

Commissioners.

§ 2. It shall be the duty of said commissioners or a majority of them to proceed to Warsaw on or before the first day of April, A. D. 1855, or as soon thereafter as convenient, and after having been duly sworn to discharge the duties imposed upon them by this act in a faithful and impartial manner, to employ a competent engineer, whose duty it shall be to make a lawful and thorough examination of

To proceed to
Warsaw.

Width of road.

Map to be filed.

the several routes likely to prove favorable, and when all the necessary information is obtained then it shall be the duty of said commissioners to fix upon the route which in their judgment appears to be most practicable, having due regard to present traveled road. Said road shall be laid out and established four rods wide, and when so laid out and established the said commissioners or a majority of them shall immediately proceed to put the same in complete repair, and for that purpose are hereby empowered to employ such hands and procure such materials as may be necessary; and it shall be the duty of the said engineer to make a map of said road, showing the courses and distances of same and the land over which it passes. Said map to be filed in the office of the clerk of the county court.

§ 3. After said road is laid out and established as provided in section second of this act, and when the same is required to pass over the land belonging to any company, corporation or individual, and the owner or owners shall object thereto and cannot agree with the said commissioners on the amount of damages which said owner or owners may be entitled to, it shall be lawful for the said commissioners to condemn sufficient land for the purpose of the construction of said road, and assess the damages thereof in the manner now provided by chapter ninety-three of the Revised Statutes of this state, entitled "Roads."

Damage may be assessed.

§ 4. Any damages which may be assessed by means of the laying out of the said road over the lands of any person or corporation, and any necessary expenses which may arise in laying out, constructing and putting the said road in complete repair as aforesaid, shall constitute a proper charge against the said county of Hancock, and shall be audited and allowed by the board of supervisors thereof to the several persons who may be entitled thereto as such owners of land, or for services rendered or material furnished for the same, whenever required by the said commissioners, and in case of the neglect or refusal of the said supervisors of the said county to audit and allow any damages assessed for lands taken for the purposes of the construction of said road to the several owners thereof, or to any person for services performed or materials furnished, in and about the construction of the said road, by direction of the said commissioners, the several persons entitled to such compensation, or the said commissioners for them, may and are hereby empowered to enforce such allowance, on application to the circuit court of the said county, by *mandamus* or otherwise.

In case of refusal to audit and allow damages.

Continuation of the act.

§ 5. The said commissioners shall continue in office until said road shall be laid out, opened and put in complete repair; and in case of the death or refusal to act of any two of said commissioners the remaining one shall

have power to do all necessary acts relating to said road or to fill any vacancy which may accrue by means of the death or refusal to act of said commissioners.

§ 6. If any person or persons shall in any wise wilfully obstruct said road, or shall injure or destroy any mile post or guide boards, erected along the line of said road, he or they shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be recovered by the said county of Hancock, by action of debt, on the complaint of any person before any justice of the peace therein and shall be liable to indictment therefor as in other cases for the obstruction of highways.

Persons liable for damages.

§ 7. All the persons necessarily employed in the location, opening or putting in repair of said road shall be allowed a reasonable compensation, to be fixed by said commissioners; and the said road is hereby declared to be a state road and subject to alteration only by the general assembly.

§ 8. This act is hereby declared a public act and to take effect from after its passage.

APPROVED Jan. 16, 1855.

NOTE.—The foregoing act should have been printed in the general laws of 1855.

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AN ACT to authorize the school trustees of township thirty-three north, range No. one east of the third principal meridian, to borrow money for the purpose of building and furnishing school houses. In force Feb. 18 1857

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the trustees of schools in township number thirty-three north, range No. one east of the third principal meridian, be and are hereby authorized to borrow any sum of money not exceeding twenty thousand dollars, in addition to the amount they are by law now authorized to borrow, at any rate of interest not exceeding ten per cent. per annum, and for a period not longer than thirty nor shorter than three years, for the purpose of building and furnishing common school houses in said town: *Provided,* That said trustees shall, before they shall be authorized to make any such loan, give notice by posting notices in four of the most public places in said town, and also by publication thereof in all of the newspapers published in said town for three successive weeks before the day specified in said notice, and next preceeding the same, to the legal voters of said town, to meet

Trustees

Authorized to borrow money

Provide

To specify am't.

at the respective places of holding elections for school directors, to vote on the question as to whether the said trustees of schools shall be authorized to make any such loan. Said notice shall also specify the amount of money proposed to be borrowed, the rate of interest and the length of time for which the same is proposed. Said election shall be conducted in the same manner as elections for school district officers; the ballots shall contain the words "school loan" or "no school loan," as the case may be, and the returns of such election shall be with all convenient dispatch, certified by the persons having charge of the same, to the said trustees of schools; and if it shall appear therefrom that a majority of the legal voters voting at such election shall be in favor of the proposed loan, the said trustees of schools shall be authorized to make the same and execute all instruments necessary and proper to secure the payment of the same and the interest thereon, pledging and binding the whole property of said town for the payment of the same; but if a majority of the legal votes cast at such election shall be against the proposed loan, then the same shall not be made: *Provided, further,* that if the first vote should be against such loan said trustees may again submit such proposition to a vote of the legal voters any number of times, whenever said trustees may deem it for the public good so to do.

Said property
for payment of
amount borrow-
ed

Building school
houses.

§ 2 Said funds, when borrowed as aforesaid, shall be a fund in the hands of said trustees for the purpose of building necessary school houses and furnishing the same with necessary furniture and apparatus, for which said trustees shall be liable, as other funds coming into their hands as trustees, and the same shall be placed in the school treasury of said town, and drawn out upon proper orders by said trustees for the purposes aforesaid, and the treasurer shall, if required, give such additional bond for the same as the first trustees may deem necessary.

This act shall be deemed a public act and shall be in force from and after its passage.

APPROVED Feb. 18, 1857.

In force Feb. 18, 1857. AN ACT to form a fractional township for school purposes, in Jackson county.

Revised fractional township.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all that part of township seven (7) north, range five (5) west of the third principal meridian line, as lies in Jackson county,

be and the same is hereby declared to be a fractional township for school purposes; that the inhabitants shall have a right in said fractional township to organize into a school district and have all the rights and privileges and powers under the school law as are now given by the same to the inhabitants of townships.

§ 2. That the said fractional township shall be entitled to collect and the tax arising from the present assessment for school purposes.

§ 3. This act to be a public act and be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT authorizing certain cities, counties, incorporated towns and townships to subscribe to the stock of certain railroads. In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That any city, county, incorporated town, or any township now or hereafter organized under the township organization laws, which may be situated on or near the route of the Ottawa, Oswego and Fox River railroad, or of the Chicago, Amboy and Upper Mississippi railroad, or of the Joliet and Mendota Division of the Joliet and Terra Haute railroad, as the same may have heretofore or may hereafter be surveyed and located, may become subscribers to the stock of any such road, and may issue bonds for the amount of such stock so subscribed with coupons for interest thereto attached, under such limitations and restrictions and on such conditions as they may choose and the directors of said company may approve, the proposition for said subscription having been first submitted to the inhabitants of such city, town, county or township, and approved by them. And upon application of any fifty voters of any city, county, incorporated town or township as aforesaid, specifying the amount to be subscribed and the conditions of said subscription, it shall be the duty of the clerk of such city, town, county or township, immediately to call an election in the same manner that other elections for said city, county, town or township are called, for the purpose of determining whether said city, county, township or town will subscribe to the stock of said road; and if a majority of said votes shall be "for subscription," then the county court or board of supervisors having jurisdiction over county matters, in said county, or the corporate authorities of said city or town, or the supervisors and town clerk of such

Towns &c, authorized to subscribe stock.

Clerk to call election.

township so voting shall cause said subscription to be made, and upon its acceptance by the directors of said company shall cause bonds to be issued in conformity with said vote, which bonds shall in no case bear a higher rate of interest than ten cent. per annum, and shall not be of less denomination than one thousand dollars, and shall be accepted by said company at their par value.

§ 2. Any township in Kendall county, and the township of Plainfield, in Will county, shall have like power to subscribe for the stock to any railroad now or hereafter located through said township, and issue bonds therefor in the same manner as provided in section first, or to vote a sum not exceeding five thousand dollars to pay damages for right of way through said town for any such railroad.

§ 3. This act shall be in force from and after its passage, and shall be liberally construed for the purposes expressed therein, and shall be held to be a public act.

provide for the
payment of in-
terest.

§ 4. It shall be the duty of the proper authorities of any city, incorporated town, county or township issuing bonds as aforesaid to make all necessary arrangements and provide for the prompt payment of all interest and other liabilities accruing thereon and to levy such taxes as may be necessary therefor as other taxes are levied by them.

APPROVED Feb. 18, 1857.

In force Feb. 18, AN ACT to establish and regulate a system of public schools in the city of Bloomington.

election of board
of education.

term of office.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That there shall be elected biennially in the city of Bloomington, by the qualified electors of said city, a board of education; to consist of seven members, which shall be denominated the board of education, and the persons so elected shall be residents of said city and shall hold their office for the term of two years and until their successors shall be elected and qualified. The first election for said members of the board of education shall be holden on the first Monday in April, A. D. 1857, and on the first Monday of April, biennially, thereafter; the meetings for said election shall be notified and called, and the poll book opened and kept, the votes canvassed and the returns made in the same manner as the election of mayor and aldermen. The seven persons having the highest number of votes shall be declared elected and, the city clerk, immediately upon the result of the*

election being made known by the proper returns, shall notify the several persons so elected of their election.

§ 2. The board of education shall, within two days after the election, or as soon thereafter as is convenient, meet within said city; the time and place of meeting shall be made known to all the members of said board in writing by any two of the persons so elected; when convened the board shall organize by electing one of their number president and appointing by ballot some competent person to be secretary of said board, who may or may not be a member of the board, and also appoint a treasurer. The president shall preside at all meetings of the board and perform all the duties of a presiding officer. The secretary shall keep a record of the proceedings of the board in a book to be provided for that purpose by the board, and shall perform such other duties in relation to the schools in said city as shall be required of him by the rules and regulations to be made and established by the board; the president, secretary and treasurer shall hold their offices for the term of two years and until their successors shall be elected and qualified; the secretary and treasurer shall be subject to removal for good cause by a vote of a majority of said board, and in case of such removal the board shall appoint a competent person to fill the vacancy. The treasurer shall give bond, with good and sufficient securities, to the city of Bloomington, such bond to be approved by said board, in such sum as the board shall determine, but to be in all cases as nearly as can be ascertained in double the amount of all moneys that will at any one time come into his hands and conditioned for the performance of his duties as such treasurer, and especially faithfully to keep and from time to time to pay over upon the order of the board all moneys that he shall receive as such treasurer; and for any breach of the conditions of said bond, as such, shall be prosecuted in the name of said city against the said treasurer, under the direction and supervision of the said board; and all moneys realized from a judgment recovered against any treasurer for a breach of the conditions of his bond shall go into the treasury of the board, to be used as other school moneys are used. The treasurer shall keep a true and accurate account of all moneys received and paid out by him, for what purposes, upon what and whose account, but he shall pay out no money except upon order of the board; for all money paid out he shall take and file, with the papers of his office, proper vouchers; he shall settle his accounts with the board at least once in each year and oftener if the board shall so require.

Meet and elect officers.

Officers subject to removal.

Treasurer to give bond.

To pay over all moneys.

To keep an accurate account.

§ 3. The said city of Bloomington shall be exempt from the jurisdiction of trustees of schools in the township in which said city of Bloomington is located, so far as common

Exempted.

Distribution of
school funds.

Funds paid over
to treasurer.

Vacancies filled.

Quorum.

Section 5. The
board of education
shall have the entire
management and control
of all the common schools
in said city of Bloomington.

Section 6. It shall be the duty
of said board of education,
so soon as they may realize
sufficient funds for the purpose,
to establish, within the bounds
of the city of Bloomington,

schools are concerned, and the school commissioner of McLean county shall, in the distribution of the school funds that may come into his hands, apportion so much of the school fund as the city of Bloomington may be entitled to, upon a *pro rata* distribution of said funds among the several townships of said county, to the said city of Bloomington; and upon the filing of the bond of the treasurer of the said board of education the said school commissioner shall pay over to the said treasurer the amount due said city. All taxes levied in accordance with the provisions of this act shall be paid over by the officer collecting the same to the treasurer of the board of education, and upon all moneys passing through his hands the said treasurer shall be allowed to retain two per centum. If any vacancy shall occur in the board of education between the times of the biennial election, by death, resignation or removal from the limits of the city, the remaining members of the board shall fill said vacancy by appointment, and the person so appointed shall hold his office until the next biennial election for members of the board. The said board of education shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in any court of law or equity in this state, and shall also be capable of receiving any gift, grant, donation or devise made for the use of the common schools in said city.

§ 4. The said board shall hold their meetings at such times and place as they may think proper; that any four of said board shall constitute a quorum; that special meetings may be called by the president or any two members of the board, on giving two days' notice of the time and place of holding such meetings; but at no special meeting, except all the members of the board are present, shall any resolution, in relation to sites for school houses, or financial resolution or order be passed, unless the two days' notice, as aforesaid, be given and the subject or subjects to be acted on be specified in the notice.

§ 5. The said board of education shall have the entire management and control of all the common schools in said city of Bloomington, and of all the houses, lands and appurtenances already provided and set apart for common school purposes, as well as those hereafter to be provided for the same purposes; and the said city of Bloomington shall, from and after the first Monday of April next, constitute but one school district; and all moneys accruing to said district for school purposes, under any law of this state, shall be paid over to the treasurer of said board of education.

§ 6. It shall be the duty of said board of education, so soon as they may realize sufficient funds for the purpose, to establish, within the bounds of the city of Bloomington,

a sufficient number of primary, secondary and grammar schools to accommodate all the children of said city, and they shall also establish a city high school in said city, of a grade above the grammar school. To each school, in this system, there shall be gratuitous admission for the children, wards and apprentices of all the residents of the city of Bloomington, and of such other persons living in the immediate vicinity as may own property charged with a school tax, in said city of Bloomington, with the following restrictions, viz: no pupil shall be admitted to the secondary, grammar or high school who fails to sustain a thorough examination in the studies of the schools of the next lower grade; and the teachers in either school shall have power, in accordance with the rules and regulations of the board of education, to exclude pupils for misconduct or nonattendance.

Gratuities ad-
mission.

§ 7. The said board of education shall have power to make and enforce all necessary rules and regulations for the government of teachers and pupils in said schools; to employ teachers, male and female, from among those who have received a certificate from the city examiners, and pay them a suitable compensation; to purchase all necessary books and apparatus; to select sites for school houses and superintend the building of the same, upon their own plan, and to pay for the lands and houses and furniture, as well as the other expenses of said school system, from the public moneys in the hands of the treasurer of said board.

Board to make
all rules &c.

§ 8. The said board of education, within thirty days after their organization, shall report to the city council of the city of Bloomington the number and description of buildings necessary for the purposes of common schools in said city, which report shall be in writing and shall specify the amount of money necessary to be raised to meet the expenses of erecting such buildings, and said board shall also specify in said report the amount of money necessary to be raised in addition to the money accruing to said city under the general school law of this state, to defray all the other expenses of said school system during the current year; and thereupon the said city council shall proceed to levy a tax sufficient to meet such expenses of building and repairing school houses and the expenses attendant upon the maintenance of said free schools in said city during the whole year, customary vacations only excepted, said tax to be levied and collected as the other taxes of said city are or may be collected: *Provided*, that said additional tax shall not exceed in any one year five mills on the dollar of the taxable property of said city; and it shall be the duty of said board, on or before the first Monday of April, in every year thereafter, to make a report in writing to the city council of all moneys received, how and for

Board to report
to city council.

City council to
levy tax.

Manner of col-
lecting tax

Make report

what purpose expended, with the proper vouchers, and give such other information in relation to said schools as they may deem important, specifying in said annual report the amount of money necessary to be raised by taxation to defray the expenses of said school system, and the city council shall annually, upon the coming in of such report and within thirty days thereafter, proceed to levy a tax sufficient to meet such expenses, to be levied and collected as the other taxes of said city: *Provided*, said tax shall not exceed five mills on the dollar of the taxable property of said city; and the said city council shall cause all such reports of the board of education to be published, or so much thereof as they may deem necessary, the reports being left with the mayor of the city open to public inspection.

Proviso

Title to vest in
the board of edu-
cation

§ 9. All legal title to lands and houses and other property used for common school purposes in said city of Bloomington shall vest in said board of education, at the taking effect of this act, and all titles acquired thereafter shall be in the name of said board of education; and said board of education shall have power to sell, lease and convey any and all of the lands and tenements held under and by virtue of this act and to purchase other lands and tenements in more eligible positions.

Examin-
ers to be ap-
pointed.

§ 10. The said board of education shall immediately upon their election, as hereinbefore provided, appoint three competent persons to serve as school examiners of said city, all of whom shall be citizens of Bloomington, to serve for two years, one of whom they shall designate as city school superintendent; and it shall be his duty to visit, inspect and exercise a general control over said system of schools, subject to the direction of said board, and be compensated for his services as said board may from time to time determine; and, biennially thereafter, said board shall appoint three competent persons to act as school examiners for said city; the said examiners, or any two of them, shall examine such persons as shall apply for that purpose, and if they find the applicant qualified to teach they shall give him or her a certificate, naming the branches he or she is found qualified to teach, showing that they have inquired into his or her character and believe it to be moral and good, and that he or she is qualified to govern and teach. The said examiners shall also recommend suitable text books to be adopted by the said board of education for the use of schools, and semi-annually report the condition of said schools to the city council, the publication of which shall be at the discretion of the said council.

Powers, duties.

Examination of
teachers.

Examination of
schools.

§ 11. Annually, at such time as the board shall appoint, public examinations of all the schools shall be had under the direction of the board of education and the examiners.

§ 12. So much of the general school law, and so much of all other laws of this state, general or local, as may be inconsistent with this act are repealed as to said city of Bloomington.

§ 13. This act shall take effect from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to amend an act entitled "An act to amend the charter of the city of Peoria, and to establish and regulate a system of public schools in said city" In force Jan. 20, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the act to which this is an amendment be so changed as to increase the number of the board of school inspectors to nine, to be elected by the legal voters of the town of Peoria, of whom after the first election three shall be elected annually; that at the next election for said school inspectors, to be held on the first Monday of April next, nine inspectors shall be chosen, who, at their first meeting shall determine by lot which three of them shall hold the office for the respective terms of one, two and three years; that the persons so elected and their successors in office are hereby constituted a body corporate and politic by the name and style of the "Board of school inspectors of the city of Peoria;" that they shall have perpetual existence, and by said name shall have power to sue and be sued, plead and be impleaded in all courts and places where judicial proceedings are had; may purchase, receive and hold real and personal property within the limits of said town of Peoria; may lease, sell and dispose of the same; and on sale of any real estate may, by resolution of said board, to be entered on the minutes of their proceedings by the secretary of the board, empower the president of the board to convey such real estate, by a good and sufficient deed, under his hand and private seal, to the purchaser or purchasers thereof; and such deed, duly acknowledged by the president of the board making the same, as other deeds of real estate are required to be by the laws of this state then in force concerning conveyances by individuals, shall convey such real estate to and vest all the title and interest of said board of school inspectors therein in the grantee or grantees in such deed mentioned, their heirs and assigns forever; and the deeds of conveyance executed by the president of the said board and duly acknowledged by him shall be prima facie evidence of his having been duly empow-*

Increase of board of inspectors.

Term of office.

General powers.

Prima facie evidence.

ered by the said board to make such conveyance. That all the personal property and real estate heretofore conveyed to or held by said board of school inspectors, or by the trustees of schools of township eight north, range eight east, for the use of any school district in the city of Peoria, or the inhabitants thereof, is hereby vested in the said board of school inspectors of the city of Peoria, to be held and used, or leased, or sold and conveyed in such manner as they shall deem proper for school purposes.

Transferred, New
School

Division of Direc-
tors.

In going of school
to hold election
at time
used, how to
used.

Temporary
School
School
School

Temporary
School

Temporary
School
School
School

§ 2. *Be it further enacted*, That all vacancies occurring in said board by death, removal or otherwise, as well as those occasioned by the expiration of the term of office, shall be filled at an annual election by the legal voters aforesaid, to be held on the first Monday in April in each year; that the next election of nine school inspectors and the annual election of school inspectors as aforesaid thereafter, shall be notified, called, held, canvassed and returned in the manner specified for the elections in the act to which this is an amendment, except that all the legal voters of the town of Peoria may vote at such elections and that the votes of the legal voters residing out of the city of Peoria but within the town of Peoria shall be received at either of the places of voting in the city of Peoria when tendered at such election; and that if the annual election, provided for as aforesaid, in any year shall not be notified and held at the time when by this act it ought to have been, it shall be by the proper officer or officers notified, called, held, canvassed and returned at some other time thereafter; and the persons so elected shall hold their office as inspectors for the term which they would have held if they had been elected at an annual election held at the usual time for that year.

§ 3. *Be it further enacted*, That the persons so elected from time to time as aforesaid as school inspectors, shall, during their continuance in that office, be the trustees of schools of township eight north, range eight east, in Peoria county; shall be a body corporate and politic by that name, with power to sue and be sued, plead and be impleaded in all courts of law and equity in this state; shall be the successors in office of the trustees of schools of township eight north, range eight east, elected under the provisions of the general school law of this state entitled "An act to establish and maintain a system of free schools," and as such trustees of schools shall have all the powers now or hereafter conferred upon and perform all the duties now or hereafter required of the trustees of schools by law and be amenable in all respects to the provisions of the general school laws of this state now in force or which may hereafter be enacted concerning the duties and liabilities of trustees of schools of other townships, excepting in the

manner of their election as aforesaid, or as otherwise modified by this act or the act to which this is an amendment. That upon the election and organizing of the said trustees of schools of township eight north, range eight east, above provided for, the term of office of the trustees of schools of township eight north, range eight east, elected under the provisions of said act to establish and maintain a system of free schools shall terminate, and all rights of property and rights and causes of action existing or vested in them shall vest fully and completely in the said trustees of schools of township eight north, range eight east, established by this act; and the term of office of all officers heretofore appointed by the trustees of schools of township eight north, range eight east, shall also terminate, and all books, records, deeds, notes, obligations, choses in action, moneys, papers and personal property of whatever nature belonging to their respective offices or in their care, custody or control by virtue of such office, shall be delivered over to their successor in such office appointed by the trustees of schools of township eight north, range eight east, established by this act. That the power to cause to be extended, levied and collected taxes for the support of free schools, which is now or hereafter may be by the general school laws of this state vested in the trustees of schools shall be and is hereby vested in the school directors of school districts in the town of Peoria lying without the city of Peoria, to the extent of the taxable property, real and personal, within their respective districts, and shall not be exercised by the trustees of schools on property within the limits of the city of Peoria.

Term of office of trustees to terminate.

Power to levy vested in school directors.

§ 4. *Be it further enacted*, That the act to which this is an amendment be so altered as to authorize the report required by the 5th section of said act to be made at any time after the 1st of September in each year; also that the word "wanted" in section 2 of said act, in the fifteenth line from bottom of page 196 of printed laws of 1855, be taken and construed to mean "collected." That said act be so further amended, that the duties required of the said board of inspectors in section 8, may be performed by said board at any time within the months of October and November, but so that the same shall be done at least three weeks before the election of mayor and alderman as in said act is provided, and that said board of inspectors be authorized to allow and pay to the secretary of said board such salary or other reasonable compensation for his services and attendance on said board as to said board shall seem proper.

Act amended to require report to be made after certain time.

§ 5. *Be it further enacted*, That the sale and conveyance of lot No. twelve, in block No. forty-eight, in Monson & Sanford's addition to the town, now city, of Peoria,

Sale of property legalized.

made by said board of inspectors to Luther Card and James Hazzard, on the third day of July, A. D. 1856, be and the same is legalized and the title to said premises declared and made to inure to the said Card and Hazzard, their heirs and assigns, as fully in every respect as though said board at the time of making said deed had been vested with said title as provided by this act, and duly authorized and empowered to sell and convey the same.

City of Peoria
authorized to issue
bonds

§ 6. *Be it further enacted*, That for the purpose of enabling the said board of inspectors to provide additional school buildings in the city of Peoria, the city council of the city of Peoria are authorized to issue the bonds of said city from time to time, signed by the mayor of said city and countersigned by the clerk of said city council, in such sums, not exceeding in all the sum of fifty thousand dollars, and payable at such times, not exceeding twenty years from their date, and at such place, or places, with semi-annual interest coupons attached, as the said city council may deem proper. All of said bonds which shall be made payable in the city of Peoria shall bear an interest not exceeding eight per cent. per annum, and those payable in the city of New York or elsewhere out of the city of Peoria, not exceeding seven per cent. per annum, payable semi-annually. Whenever said bonds or any part thereof are issued, there is hereby levied annually in the city of Peoria until such bonds are paid a tax of one mill on each dollar's worth of taxable property in said city, to be applied so far as may be necessary to the payment of the interest and principal of said bonds as the same becomes due and payable; and it is hereby made the duty of the city council of said city, while said bonds are outstanding, to cause to be extended annually on the collector's books said tax of one mill on the dollar on all the taxable property in said city, to be collected as other city taxes in said city. Said tax when collected shall be paid into the treasury and constitute a separate and distinct fund, specially pledged to the payment of the interest and the principal of said bonds as the same become due, and the surplus, if any, after providing for the payment of the said interest and the principal of such of said bonds as shall fall due before the collection of the next annual tax, shall be paid over annually by the city treasurer to the treasurer of the board of school inspectors of said city, to be applied by them like other money in the treasury of said board for school purposes in said city: *Provided, however*, that said city council may direct to be retained in the city treasury from said surplus any amount which may have been expended during the year in purchasing up of any of said bonds not then due.

Payable semi-
annual interest

Tax levied in
mill on each
dollar

Tax when col-
lected shall be
paid into the treas-
ury

Provided

To provide by or-
dinance for the
paying same

§ 7. The city council of Peoria shall provide by ordinance for the issuing of said bonds and the delivery of

them to the president of the board of school inspectors of said city; and the proceeds thereof shall be by said board applied exclusively to the purposes of building, repairing, enlarging and furnishing school houses and purchasing sites therefor in said city.

§ 8. The city council of the city of Peoria shall, on or before the first day of September in each year, while any of said bonds are outstanding, determine by resolution to be entered on their minutes the amount arising from said one mill tax, which shall be retained in the city treasury to pay interest and apply in liquidation of principal of said bonds for that year, and the clerk of said council shall within five days thereafter certify the same to the board of school inspectors of said city, together with an estimate of the probable amount of said tax for said year, and what sum will remain after paying costs of collection and deducting the amount retained by the city as aforesaid, to be paid into the treasury of said board for school purposes.

Ascertain by resolution the amount arising from one mill tax.

This act shall be in force from and after its passage.

APPROVED Jan. 29, 1857.

AN ACT to legalize the sale of school lands in the county of Iroquois. In force Feb. 16, 1857.

WHEREAS the several school commissioners in the county of Iroquois have in no case advertised the sales of school lands in said county, by inserting notice thereof in a public newspaper and by posting up notices upon the court house door and other public places in the county, as the statute directs, but have advertised their sales in the public newspapers only, for the length of time required by the statute; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That all sales of school lands by the county school commissioners of said county of Iroquois are hereby legalized.*

Sales of school lands legalized.

§ 2. That all persons purchasing lands of any of the school commissioners of said county, after the same having been advertised in a public newspaper for the length of time required by the statute, and having received a deed from the governor of the state of Illinois for the same, shall be good and valid and vest in the purchaser a good and lawful title to the lands so purchased, notwithstanding any irregularity in the county school commissioner or the township officers' proceedings in bringing said lands into market.

Purchasers of school land.

§ 3. This act shall be in force from and after its passage.

APPROVED Feb. 16, 1857.

In force Feb. 7,
1857.

AN ACT to remove the seat of justice of Whiteside county.

To vote "for" or
"Against" re-
moval of county
seat.

Location

Provide

Counting of votes.

May remove elec-
tion

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That an election shall be held in the several townships of the county of Whiteside, at the time of holding the general election in November next, in the year of our Lord one thousand eight hundred and fifty-seven, at which election the legal voters of said county, qualified to vote for representatives in the general assembly, shall vote for or against the removal of the seat of justice from Sterling to Morrison, in section number (18) eighteen, of township number (21) twenty-one, of range number (5) five in said county, and if it shall be found that a majority of those voting on said question at said election, vote in favor of said removal, that the seat of justice is hereby declared to be located at said section number (18) eighteen. Said election shall be held in the manner provided by law for the election of justices of the peace, and all ballots cast at said election shall have on them, printed or written, the words, "for removal," or "against removal." Returns of said election shall be made to the clerk of the county court, in the manner provided in the law for the election of justices of the peace: *And provided,* that said removal shall not take place unless a good and sufficient deed, conveying in fee simple, free from all incumbrance, to the said county, a certain tract of land, not less than three hundred feet square, to be selected as hereinafter provided, shall have been made, executed and delivered within a time to be fixed by the commissioners hereinafter named, after they shall have selected a site for the county buildings, which selection may be made at any time before or after the said election, as to the said board of supervisors may seem best: *And provided,* the proprietors of the said town of Morrison shall pay to the said county the sum of three thousand dollars, to be applied towards payment for county buildings.

§ 2. When the returns of the election shall have been made as aforesaid, it shall be the duty of the county clerk of said county to proceed to count the votes cast in the same manner as now provided by law in the election of representatives; and when so counted, shall make out two abstracts of the votes taken as aforesaid, one of which he shall file in his office, and the other shall be by him forwarded to the office of the secretary of state.

§ 3. In case any voter of said county shall desire to contest the said election, and shall, within twenty days after the date of the same, file in the office of the clerk of said county court a bond, with sufficient security, conditioned for the payment of all costs arising from his application,

said bond to made to said clerk, and by him approved, and shall, also, file with said clerk his affidavit that he believes illegal votes were cast at said election, and that they were sufficient in number to determine the result thereof, it shall be lawful for him to contest the same by giving fifteen days' previous notice by publication in a newspaper printed in said county, for two successive weeks, stating the names of all persons suspected of having given illegal votes, and the names of magistrates before whom, and the times and places when and where depositions will be taken, when and where all persons interested may attend, cross examine witnesses, and take the depositions of rebutting witnesses. If the taking of such depositions cannot be completed on the day first fixed, the taking of the same shall be continued at the same place on each subsequent day, until completed. Said depositions shall be sealed by said magistrates, and directed to said clerk, and to him delivered within ten days after the day fixed for the taking thereof; and the board of supervisors, at their first regular or special meeting thereafter, shall open and examine said depositions, and determine whether the result of said election would be changed by the rejection of the illegal votes proved to have been given, from whose judgment an appeal may be taken within five days thereafter by filing notice of such appeal in the office of the county clerk of the county court to the circuit court of said county, who shall hear and determine the same. Should the said board of supervisors or the said circuit court (in case of appeal) decide that said election was invalid, said board or court so deciding shall designate a day upon which a new election shall be held, to be governed in all respects by the provisions of this act.

Examination of
depositions.

§ 4. The said board of supervisors are hereby appointed commissioners to select the place for locating public buildings, and in making such selection they shall not be restricted to the village plat, but may locate the same upon any part of said section number (18) eighteen, and when they shall have made such selection, they shall cause an entry thereof to be made upon the record or minutes of the board.

Commissioners

§ 5. That the court house and public offices for the use of said county shall be erected on said grounds.

Erection of public buildings.

§ 6. That the county officers, whose duty it shall be to keep their respective offices at the county seat, shall remove their offices to the said new county seat whenever required so to do by the said board of supervisors.

Remove county
offices.

§ 7. That all suits pending in the circuit court of said county at the time of such removal of the county offices, shall be prosecuted to final judgment and execution at the said new county seat.

Suits pending

Acts repealed.

§ 8. That an act approved February 16th, A. D. 1847, entitled "An act declaring the town of Sterling the county seat of Whiteside county" for a time, and under the conditions therein mentioned, and all other acts and parts of acts coming in conflict with the provisions of this act, be and the same are hereby repealed: *Provided*, that until the said board of supervisors shall order the removal of the county offices as hereinabove provided, the town of Sterling shall be and remain the county seat of said county.

Proviso.

In case of removal.

§ 9. In case the seat of justice of said county shall be removed from Sterling and located as herein provided for, then the supervisors of said county are hereby authorized and required to convey, by good and sufficient conveyances, the court house and block of land upon which the same is situated, and which is now used therewith; and all other lands or town lots heretofore donated to said county for the purpose of erecting said public buildings, and which is still owned and held by said county, to the parties who originally conveyed said property to said county, or to the legal representatives of said parties, in proportion to the amount of donation made by them respectively, for the purpose of procuring said lands, and erecting said court house.

§ 10. This act to be in force from and after its passage.

APPROVED Feb. 7, 1857.

In force Feb. 15, 1857.

AN ACT making appropriations for the pay of the officers and members of the general assembly and for the salary for the officers of the government, from the end of the present session until the adjournment of the next regular session of the general assembly.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the following appropriations be and the same are hereby made to members and officers of the next general assembly, and for the salaries of the officers of the government until the adjournment of the next regular session thereof:

Appropriations for pay of officers and members.

Speaker of each house.

1st. To the speaker of the senate and house of representatives, each the sum of three dollars per day for the first forty-two days' attendance, and two dollars per day for each day's attendance thereafter.

Members of each house.

2d. To each member of the senate and house of representatives, the sum of two dollars per day for the first forty-two days' attendance, and one dollar per day for each day's attendance thereafter.

Mileage.

3d. There shall be allowed to each of the members of the general assembly, including the speakers of both houses,

ten cents per mile for each necessary mile's travel in going to and returning from the seat of government.

4th. There shall be allowed to the secretary and assistant secretary of the senate, and to the clerk and assistant clerks of the house of representatives, each the sum of six dollars per day. Secretary and assistants of senate, clerks and assistants of house.

5th. To the sergeant-at-arms and assistant sergeant-at-arms of the senate, and to the doorkeeper and assistant doorkeepers of the house of representatives, the sum of six dollars per day. Sergeant-at-arms, doorkeepers.

6th. To the enrolling and engrossing clerks of the senate and house of representatives, each the sum of six dollars per day. Enrolling and engrossing clerks.

7th. To the assistant enrolling and engrossing clerks of the senate and house of representatives, each the sum of six dollars per day. Assistants.

8th. And the compensation hereby allowed to each of the officers and members of the general assembly shall be certified by the speakers of the respective houses and entered on the journals and published at the close of the session: *Provided*, that the compensation of the speaker of the senate shall be certified by the secretary thereof, and the compensation of the speaker of the house shall be certified by the clerk of the house, and entered on the journals and published as aforesaid, which said certificate, when made and signed as aforesaid, shall be sufficient evidence to the auditor of each person's claim respectively, who shall issue his warrant on the treasury for the amount to which each person shall be entitled, as aforesaid, to be paid out of any moneys not otherwise appropriated. Compensation how paid.

§ 2. The following sums are hereby appropriated for the salaries of the officers hereinafter mentioned, until the adjournment of the next regular session of the legislature, as aforesaid: Provide.

1st. To the governor, at the rate of fifteen hundred dollars per annum. Salaries of state officers.

2d. To the auditor of public accounts, at the rate of one thousand dollars per annum, exclusive of clerk hire, and to the said auditor at the rate of twenty-eight hundred dollars per annum for clerk hire. Governor.

3d. To the state treasurer, at the rate of eight hundred dollars per annum, exclusive of clerk hire, and to said treasurer at the rate of six hundred dollars per annum for clerk hire. Auditor.

4th. To the secretary of state, at the rate of eight hundred dollars per annum, exclusive of clerk hire, and to the said secretary of state at the rate of six hundred dollars per annum for clerk hire. Treasurer.

5th. To each of the judges of the supreme court of the state, at the rate of twelve hundred dollars per annum. Sec'y of state.

5th. To each of the judges of the supreme court of the state, at the rate of twelve hundred dollars per annum. Judges of the supreme court.

Judges of circuit courts.	6th. To each of the judges of the circuit courts of the state, at the rate of one thousand dollars per annum.
Prosecuting attorneys.	7th. To each of the prosecuting attorneys of the state, at the rate of five hundred dollars per annum.
Judges of Cook county court of common pleas and the court of common pleas of the city of Cairo, each the sum of one thousand dollars per annum; to the prosecuting attorney of the Cook county court of common pleas, the sum of two hundred and fifty dollars per annum; to the prosecuting attorney of the court of common pleas of the city of Cairo, the sum of five hundred dollars per annum; to the judge of the recorder's court of the city of Chicago, the sum of one thousand dollars per annum; to the prosecuting attorney of the recorder's court of the city Chicago, the sum of five hundred dollars per annum.	8th. To the judges of the Cook county court of common pleas and the court of common pleas of the city of Cairo, each the sum of one thousand dollars per annum; to the prosecuting attorney of the Cook county court of common pleas, the sum of two hundred and fifty dollars per annum; to the prosecuting attorney of the court of common pleas of the city of Cairo, the sum of five hundred dollars per annum; to the judge of the recorder's court of the city of Chicago, the sum of one thousand dollars per annum; to the prosecuting attorney of the recorder's court of the city Chicago, the sum of five hundred dollars per annum.
Judge of recorder's court of Chicago.	9th. To the superintendent of public institution, the sum of fifteen hundred dollars per annum.
Attorney for recorder's court.	10th. To the porter of the state offices, at the rate of one dollar and fifty cents per day.
School superintendent.	And it shall be the duty of the auditor to issue his warrant on the treasurer for quarterly payments as is herein provided for. So much of any law or laws as may conflict with the provisions of this act is hereby repealed.
Porter of state house.	That the sum of five dollars be and is hereby appropriated to S. B. Moody, for copying one day for committee on swamp and overflowed lands.
Auditor to draw warrants.	To the extra clerks employed at this session by the enrolling and engrossing clerks of the senate and house of representatives, the sum of six dollars per day for the time employed, to be certified by the principal: <i>Provided</i> , that no extra clerk hire shall be paid, except upon the certificate of the chairman of committee of engrossed and enrolled bills.
S. B. Moody.	The enrolling and engrossing clerks of the senate and house of representatives and the assistants elected at this session, the sum of six dollars per day.
Extra clerks.	The doorkeeper of the house of representatives and assistant doorkeepers, and the sergeant-at-arms of the senate and assistant sergeant-at-arms, elected at this session, the sum of six dollars per day.
Enrolling and engrossing clerks.	The secretary of the senate and assistants, and the clerk of the house of representatives and assistants, elected at this session, the sum of six dollars per day.
Doorkeeper and assistant doorkeepers of the house of representatives, and the sergeant-at-arms of the senate and assistant sergeant-at-arms.	The pages of the senate and house of representatives, each, the sum of two dollars per day for services at this session.
Pages.	The postmaster of house of representatives for this session, the sum of six dollars per day.
Postmaster.	

The porter in house of representatives at this session the sum of five dollars per day. Porter to house of representatives

To I. R. Diller, reader of the house, the sum of six dollars per day for the time employed at this session. I. R. Diller.

The *pro tem.* secretary and assistant of the senate, and the *pro tem.* clerk and assistant, and other *pro tem.* officers of the house of representatives at this session the same compensation allowed the regular officers for the time served. Pro tem. secretary and assistants and other pro tem. officers

The private secretary of the governor, six dollars per day during the present session. Private secretary to governor.

The clerk in the fund commissioner's office, one thousand dollars per annum, to be paid quarterly. Said clerk shall not be employed any longer than is necessary in the opinion of the governor. Clerk fund commissioner.

To the clergymen of the city of Springfield, who have officiated as chaplains at the present session, the sum of twenty-five dollars each, viz: the Reverends Mr. Hale, Mr. Dodge, Mr. Pierson, Mr. Miner, Mr. Sears and Mr. Marvin. Clergymen of Springfield.

To each of the bank commissioners the sum of five dollars per day for the time actually employed as such commissioners, and ten cents per mile for every necessary mile's travel in the discharge of their duties as such commissioners. The said commissioners to exhibit their account to the governor, and when approved by him to be paid out of the state treasury. Bank commissioners.

That the sum of three dollars per day be allowed to A. J. Flanders, assistant porter and fire maker during the session. A. J. Flanders.

So much of the act making appropriations for the pay of the officers and members of the general assembly, and for the salary of the officers of the government, from the end of the present session until the adjournment of the next regular session of the general assembly, approved February 14th, 1855, as conflicts with this act is hereby repealed. Act repealed.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT to provide for the ordinary and contingent expenses of the government until the adjournment of the next regular session of the general assembly. In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the following sums be and the same are hereby appropriated to meet the ordinary and contingent expenses of the gov- Appropriation for contingent expenses, &c.

ernment until the adjournment of the next regular session of the general assembly of the state of Illinois.

For state government.

1st. A sum not exceeding ten thousand dollars as a contingent fund to meet the contingent expenses of the state government, and the said sum shall be subject to the order of the governor for the purpose of defraying all such expenses as are unforeseen by the general assembly or are unprovided for by law, and a proper statement of which shall be laid before the next general assembly by the auditor in his biennial report.

Executive office.

2d. To the executive department, for postage, candles, books, stationery, &c., a sum not exceeding twelve hundred dollars.

Secretary's office

3d. To the secretary of state's office, for furniture and repairs of office, postage, printing, stationery, books, lights, &c., and for repairs, binding, subscription to periodicals, &c., for state library, a sum not exceeding three thousand dollars.

For fuel, &c.

4th. The fuel and lights for the use of the legislature and state officers, stationery, printing paper and other expenses necessary in the discharge of the duties required of him as secretary of state by the laws now in force, a sum not exceeding fifteen thousand dollars.

For indexing laws.

5th. To the secretary of state, the sum of two hundred and fifty dollars, for making index to laws, journals and reports of the present general assembly.

Auditor's office for furniture, repairs, &c.

6th. To the auditor's office, for furniture, repairs of office, printing blanks, patents, &c., for the office, for postage, stationery, books and candles, and for contingent expenses necessary in the discharge of the duties required of him by law, a sum not exceeding five thousand dollars.

Treasurer's office for books, furniture, &c.

7th. To the office of the state treasurer, for books, furniture, postage, candles, stationery, &c., a sum not exceeding five hundred dollars.

Supreme court for postage, stationery, &c.

To each of the grand divisions of the supreme court, for postage, stationery, lights, fuel and furniture necessary for the use of said courts, a sum not exceeding two thousand dollars, the accounts to be certified by the judge of the proper division.

To auditor for making abstracts of taxable lands.

To the auditor of public accounts, to pay expenses of making out the annual abstract of taxable lands for the use of the several counties, the sum of two cents per tract, and for transcribing the abstracts received from the land offices into the tract books in his office, the sum of two cents per tract; and like compensation shall be allowed and paid to the state auditor for like expenses in all cases where he has not received pay under former laws.

J. C. Sturdevant

To J. C. Sturdevant, the sum of one hundred and sixty dollars, for the amount paid by him to the state for the

southeast qr. of the southwest qr. sec. 23, T. 27 N., R. 13 W., erroneously sold him as state lands, and the auditor shall issue his warrant therefor upon the surrender of the patent, which patent shall be canceled.

To Thomas H. Campbell, the sum of fifty-six dollars, for balance due him on settlement with the governor for state indebtedness received by him as auditor in pursuance of law, and the sum of ninety-three dollars and seventy-five cents, for outline maps, for the use of this session of the general assembly. Tho's H. Campbell.

To Isaac B. Curran, for stationery and other articles for the use of the legislature, as per account filed, three thousand six hundred and forty dollars and seventy-five cents. I. B. Curran.

To Williams & Link, for varnishing and repairing furniture for the use of the general assembly, ninety dollars. Williams & Link

To Johnson & Bradford, for stationery furnished for use of general assembly, two hundred and eighty-three dollars and forty-five cents. Johnson & Bradford.

To C. Birchall, for stationery furnished for the use of the general assembly, one hundred and sixty-nine dollars and sixty-eight cents. C. Birchall.

To the postmaster at Springfield, for postage stamps, &c., for bank commissioners, thirty-six dollars and seventy-three cents. Postmaster.

To W. B. Foudrey, for carpet and other articles furnished for the use of the general assembly, one hundred and eighty-one dollars and forty-six cents. W. B. Foudrey.

To J. Hough, for tables, &c., fifty dollars and twenty-five cents. J. Hough.

To James A. Barret, quarter master general, for amount paid by him for services of military store keepers in taking care of the state arms, conveying state arms to new arsenal, transportation of state arms, &c., eleven hundred dollars and forty-seven cents. James A. Barret.

To D. B. Cooke & Co., for seventy-five copies Purple's Revised Statutes, seven hundred and fifty dollars. D. B. Cooke & Co.

To D. B. Cooke & Co., for twenty-five copies Purple's Revised Statutes, two hundred and fifty dollars. D. B. Cooke & Co.

To A. Starnes, late sec'y of state, for deficiency of appropriation for clerk hire, for the years 1855 and 1856, two hundred dollars. A. Starnes.

To A. J. Higbee, one hundred dollars, for indexing and making marginal notes to the laws of 1855. A. J. Higbee.

To W. A. J. Sparks, for balance due him as assistant clerk of the house of rep., session 1853, thirty-six dollars. W. A. J. Sparks.

To N. W. Edwards, late superintendent of public instruction, the sum of one thousand dollars, for traveling and other contingent expenses incurred by him during his term of office. N. W. Edwards.

- Lanphier & Walker. To Lanphier & Walker, for one thousand copies of reports of bank commissioners, eighty dollars and ninety-five cents.
- Johnson & Bradford. To Johnson & Bradford, for folding and stitching bank commissioners' reports, ten dollars and twenty-five cents.
- John Moore. To John Moore, for spurious coin and auditor's warrants received by him as state treasurer, one hundred and sixty-seven dollars.
- M. Doyle & Co. To M. Doyle & Co., for amount paid for work done on grounds around the governor's house, eleven hundred and thirty-five dollars.
- E. B. Pease & Bro. To E. B. Pease & Bro., for furniture, &c., furnished for governor's house, eighty-four dollars and ninety-five cents.
- E. B. Pease & Bro. To E. B. Pease & Bro., for articles furnished for the use of the gen'l assembly, eighteen dollars and fifty cents.
- Dollman & Graham. To Dollman & Graham, two hundred dollars, for balance of their contract for building stairs in governor's house.
- M. Doyle & Co. To M. Doyle & Co., for shrubbery furnished for grounds around the governor's house, fourteen hundred and seventy-six dollars.
- T. J. Dennis. To T. J. Dennis, for making fence, building wood-house, &c., on the governor's house lot, twenty-five hundred and twenty-three dollars and sixty-nine cents.
- A. Starne. To Alexander Starne, for expenses in going to Boston to purchase books for state library, fifty dollars.
- To Wm. Helmle, for work on governor's house, one hundred and fourteen dollars and seventy cents.
- Ivonne & Beam. To Dennis & Beam, for work in and about the governor's house, one hundred and fifteen dollars and eighty-five cents.
- D. Wickersham. To D. Wickersham, for balance due him on contract for plastering governor's house, one hundred and thirty-seven dollars and eleven cents.
- F. Letz. To F. Letz, for iron railing on steps of governor's house, two hundred and seventy-five dollars and twenty-five cents.
- John Moore. To John Moore, for expenses in going to New York to pay interest four instalments, three hundred and eighty-five dollars.
- John Moore. To John Moore, for amount over paid on purchase of state indebtedness, thirty-seven dollars and eighty-seven cents.
- Armstrong & Connelly. To Armstrong & Connelly, for repairs of furniture, &c., during the present session, eighty-five dollars.
- W. R. Owen. To M. R. Owen, for amount paid for work done, looking-glass, tin cups, &c., twenty-one dollars and twenty-five cents.
- R. Baily. To Richard Baily, for work done in hall house rep's, six dollars.

To Nashers Hay, for same, six dollars.
 To Timothy Caughlin, for same, six dollars.
 To Edward Eagan, for same, six dollars.
 To C. Hopkins, for same, six dollars.
 To John Malvedy, for same, six dollars.
 To Ames Flanders, for same, six dollars.
 To J. T. Whiting, for same, six dollars.

N. Hay.
 T. Caughlin.
 E. Eagan.
 C. Hopkins.
 John Malvedy.
 A. Flanders.
 J. T. Whiting.
 Secretary's office
 for deficiency.

To the office of the secretary of state, a sum not exceeding ten thousand dollars, for deficiency of appropriations for printing paper now contracted for.

To the executive, for fuel, repairs, gardner, &c., not exceeding twenty-five hundred dollars, to be paid on the order of the governor.

Executive, gardner, &c.

The amount necessary to pay for the newspapers ordered for the members of this general assembly, shall be certified by the secretary of the senate and clerk of the house of representatives, respectively, and approved by the governor and paid out of any money in the treasury not otherwise appropriated.

Provision for
 payment newspapers for
 general assembly.

To the office of the superintendent of public instruction, for printing circulars, postage and stationery, a sum not exceeding five hundred dollars.

Superintendent
 of public instruction,
 for printing, &c.

To the city of Alton, for balance due for removing earth from the west side of the penitentiary, eight hundred and forty-six dollars and fifteen cents.

To city of Alton.

To the clerk of the executive department during the present session of the legislature, the sum of six dollars per day.

To each member of the joint committee of the senate and house of representatives to visit the state penitentiary, twenty-five dollars.

Joint committee
 to visit penitentiary and public
 institutions at
 Jacksonville.

To each member of the joint committee of the senate and house of representatives to visit the state institutions at Jacksonville, the sum of fifteen dollars.

The governor will order the payment of the postage accounts for this session of the general assembly, which shall be paid on the warrant of the auditor.

There shall be paid to the publishers of the State Register and Illinois Journal, each the sum of one hundred dollars, for publishing the public laws of this session of the general assembly.

Publishers State
 Register and
 Illinois Journal

To J. Eck, for services as mail messenger, the sum of one dollar and fifty cents per day.

J. Eck.

The sum of four thousand five hundred dollars, or so much thereof as may be necessary to fix the roof of the state house, is hereby appropriated, the work to be done under the superintendence of the secretary of state, auditor and treasurer.

Fix roof of state
 house.

The sum of fifteen hundred dollars is hereby appropriated to finish such rooms in the basement of the state capitol as may be suitable for committee rooms, and flagging the

To finish rooms
 in basement.

passages, or so much thereof as may be necessary, to be expended under the direction of the secretary of state, auditor and treasurer

- Hospital for the Insane.** To the Illinois state hospital for the insane, the sum of thirty-six thousand dollars per annum.
- Institution of the Blind.** To the institution for the education of the blind, the sum of fourteen thousand dollars per annum, and to the institution for the education of the deaf and dumb, the sum of twenty two thousand five hundred dollars per annum, to defray the ordinary expenses of said institutions and to be paid in like manner as is provided for in the act making appropriations for the years 1855 and 1856.
- D. J. Waggoner.** To D. J. Waggoner, the sum of twenty dollars and twenty-five cents, for extra expenses in apprehending a convict.
- Dorwin & Dickey** To Dorwin & Dickey, the sum of eleven dollars and five cents, for materials furnished and work done on the governor's house.
- J. A. Matteson.** To J. A. Matteson, for furniture, &c., for governor's house, three thousand fifty-two dollars and sixty-four cents.
- J. A. Matteson.** To J. A. Matteson, for sundry bills of work done, and material furnished in the completion of the governor's house, eleven hundred sixty-four dollars and seventy-eight cents.
- J. Bunn.** To J. Bunn, for materials furnished for governor's house, thirty-seven dollars and sixty cents.
- E. B. Pease & Bro** To E. B. Pease & Brother, for material furnished governor's house, two hundred ninety-five dollars and sixty-two cents.
- Wilson & Hughes** To Wilson & Hughes, for furniture for governor's house, four hundred and thirty-four dollars and seventy-two cents.
- S. M. Tinsley.** To S. M. Tinsley, for lumber furnished for governor's house, five hundred nine dollars and fifty-six cents.
- J. Cunningham** To John Cunningham, for balance due him for painting and glazing governor's house, seven hundred twenty dollars and fifty cents.
- Wise & Lindsay** To Wise & Lindsay, for bricks and work done in and about the governor's house, two hundred and ninety-seven dollars and ninety-three cents.
- J. Johnson.** To Joel Johnson, for rent of four rooms, lights, &c., for use of committees, one hundred and fifty dollars.
- C. M. Matheny.** To C. M. Matheny, for rent of one room for use of committee, forty dollars.
- J. Hutchinson.** To J. Hutchinson, for coffin, box, &c., for J. C. Orth, dec'd, sixty-five dollars.
- J. E. Whiting.** To Hon. J. E. Whiting, for expenses in conveying the remains of J. C. Orth, to his family in Wabash county, forty-seven dollars and ten cents.
- F. D. Preston.** To Hon. F. D. Preston, for expenses in conveying the remains of J. C. Orth, to his family, nineteen dollars and ninety cents.

To W. Farnsworth, for taking care of J. C. Orth, during his last illness, fifty dollars. W. Farnsworth.

To each member of the committee conveying the remains of J. C. Orth, twenty five dollars.

To D. J. Waggoner, sergeant-at-arms of the senate, three dollars, amount paid for cleaning spittoons for the senate chamber the present session. D. J. Waggoner.

To William Hyde, the sum of seventy-five dollars, for twenty-five days' service as clerk of the committee on banks and corporations at the present session. Wm. Hyde.

To the deaf and dumb, seven hundred dollars, for repairs and improvements, to be paid in 1858. Deaf and dumb institution.

There shall be appropriated for the purpose of furnishing the hall of the house of representatives, the sum of eight hundred dollars; said sum to be expended under the direction of the secretary of state. Furnishing hall.

To each of the inspectors of the penitentiary, at the rate of one dollar and fifty cents per day: *Provided*, that the same shall not exceed to each, the sum of one hundred dollars per annum. Inspectors penitentiary. Provide.

To Bailhache & Baker, for printing one thousand copies argument of N. W. Edwards, on canal claims, thirty-nine dollars and fifty cents. Bailhache & Baker.

To Geo. A. Clifford, the sum of three hundred and twenty-five dollars, for furnishing one thousand copies of the list of members and officers of the 20th general assembly of Illinois, for the use of the house and senate. Geo. A. Clifford.

To Calvin L. Eastman, the contestant for the seat in this house occupied by Martin Shallenberger, the same per diem and mileage allowed to said Shallenberger. Calvin L. Eastman.

To the American Exchange Bank, at New York city, the sum of two thousand dollars, in full for the services of said institution in countersigning certificates of stock of the state of Illinois, and in the general superintendence of the agency of said state to January first, A. D. 1857. American Exchange Bank.

To J. H. Dunham, the sum of seventeen dollars, for furnishing the house and senate at the present session of the general assembly with two hundred copies of the bank bill. J. H. Dunham.

A sum not exceeding one thousand dollars for refurnishing the senate chamber in pursuance of a resolution of the senate adopted Feb. 17, 1857. For refurnishing senate chamber.

To Gustavus Koerner, the sum of two hundred dollars, for preparing during vacation a new set of rules for the senate under a resolution of the senate passed at the session of 1855; five hundred dollars for payment of postage for distribution of school laws, &c. G. Koerner.

This act shall be in force and take effect from and after its passage. For distribution of school law.

APPROVED Feb. 18, 1857.

In force Feb. 15,
1857.

AN ACT to incorporate Rock Island school district.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all of fractional township number eighteen north, of range number two west of the 4th P. M., is hereby constituted a school district, to be known as Rock Island school district.

§ 2. The government of said district for school purposes shall be vested in a board of five persons, to be styled the board of education of Rock Island school district, and to be elected, qualified and organized as hereinafter provided.

§ 3. There shall be elected by the qualified voters of said district, on the first Tuesday of April next, five persons, who shall constitute said board, and hold their office for two years and until their successors shall be elected and qualified; except that at their first meeting after said election they shall be divided by lot into two classes: two of them to be of the first class and three of the second class, and the seats of the first class shall be vacated at the expiration of one year, when there shall be an election of two members of the board, of the first class; and thereafter on the first Tuesday of April, annually, there shall be an election of said classes alternately. The meetings for said elections shall be notified by the mayor of the city of Rock Island, by giving at least ten days' notice of the time and place, or places of said elections, by publishing a notice thereof in one or more of the newspapers of said city; and the poll books shall be opened and kept, the votes canvassed and returns made, and all other proceedings had in the same manner as in elections of mayor and aldermen in the city of Rock Island: *Provided*, that it shall not be necessary to open the polls at more than one place, unless the mayor shall deem it expedient to open them in each ward of said city. In case of a tie in any election, the same shall be decided by lot, by the judges of election, on the day of election. If between the times of the annual elections any vacancy shall occur in said board by death, resignation or removal from the limits of said district, the remaining members shall fill the vacancy by appointment; and the person so appointed shall hold the office until the next annual election, and until his successor shall be elected and qualified. The members of said board shall severally take an oath to discharge the duties of their office to the best of their knowledge and ability.

§ 4. The said board of education shall be a body corporate and politic, by the name and style of the board of education of Rock Island school district, and may have a common seal, and change the same at pleasure; and as such may contract and be contracted with, sue and be

sued, plead and be impleaded in and before any tribunal having competent jurisdiction.

§ 5. It shall be the duty of said board to hold quarterly sessions on the second Tuesday of April, July, October and January, of each year; and they may meet by adjournment at such other times as they may think proper, and the president of the board, or any two members thereof, may call a special meeting of the board, by giving a verbal notice of the time and place and object thereof, or leaving a written notice thereof at the residences of all the other members of the board; and at all the meetings a majority of the board shall be a quorum to transact business. Said board shall organize by appointing one of their number president; they shall also elect a clerk, who may be a member of the board, and treasurer, who shall not be a member of the board, who shall hold their respective offices during the pleasure of the board, and until their successors shall be elected and qualified; it shall be the duty of the president, when present, to preside at all meetings of the board; and it shall be the duty of the clerk to be present at said meetings, and to record in a book, to be provided for that purpose, all the official proceedings of said board, which record shall be public and open to the inspection of any person interested; and all said proceedings, when recorded, shall be signed by the president and clerk, and a copy thereof, certified by the clerk, shall be *prima facie* evidence of such proceedings, in courts and other places. If the president or clerk be absent the board may appoint a president or clerk, *pro tem*. The treasurer shall execute to said board an official bond, with good and sufficient securities, such bond to be approved by the board, in such sums as the board shall determine, but to be, as nearly as can be ascertained, in double the amount of all moneys that will at one time be in his hands, and conditioned for the performances of his duties as treasurer, and especially faithfully to keep and from time to time pay over all moneys, that he shall receive as such treasurer, as he shall be directed by order of the board or required by law to do; he shall keep a true and accurate record, in proper books for that purpose, of all moneys received and paid out by him, for what purpose and upon what and whose account; but he shall pay out no money except upon order of the board; for all moneys paid out he shall take and file, with the papers of his office, proper vouchers, and he shall settle his accounts with the board at least once in each year, and oftener if the board should so require.

§ 6. No member of the board shall receive any compensation for his attendance at the meetings of the board, nor for the performance of its ordinary duties, but for extraordinary services reasonable compensation may be al-

Hold quarterly sessions.

Special meetings

Appoint officers

Proceedings to be signed by the president, &c.

Treasurer to give bond.

Pay money on order of board

Members to receive no compensation.

lowed, the board to determine what are extraordinary services, and the compensation therefor. The secretary and treasurer shall receive such compensation as the board shall prescribe.

Treasurer to receive all school funds.

§ 7. The treasurer shall, under the direction of the board, demand and receive of the officer or officers having the custody thereof, any interest or other money from any school fund or any other source, to which the Rock Island school district, or any part thereof, or the schools or the teachers therein would be entitled if this act had not been passed; and the money so received from such funds or sources, shall be placed in the treasury, to be used and expended, under the order and direction of the board, for the support of schools and for school purposes, in the same manner as other funds that shall come into the treasury by taxation or otherwise.

Board legal successors of trustees.

§ 8. Said board of education shall be the legal successors of the trustees of schools in said township eighteen north, of range two west of the 4th P. M., and shall have the entire and exclusive control of all school funds of said Rock Island school district, or any part thereof, whether consisting of the portion of the school, college, seminary or township funds belonging and to belong to said district, or any part thereof, or derived from taxation, loans or otherwise, to be used by them, as provided in this act, and they may receive any gift, grant, donation, devise, bequest or legacy, made for the use of any school or schools, or library, or other school purposes, within their jurisdiction; and they shall be and are hereby invested, in their corporate capacity, with the title, care and custody of all lands, lots, school houses, school libraries, apparatus and other property belonging or appertaining to the common schools of the district, or any of them, or which may be within their jurisdiction, with full power to control the same in such manner as they may think will promote the interests of schools or the cause of education, and not inconsistent with the provisions of this act; and when, in their opinion, it may be for the interest of said district to sell any lot or tract of land or building, belonging to said district, or any part thereof, said board may sell and convey the same in the name of the board, and such conveyance, as well as all other conveyances, contracts and assignments of the board, shall be executed by the president and clerk of the board of education of Rock Island school district, and the moneys of all sales and assignments shall be paid to the treasurer of the board for the benefit of schools; and all conveyances of real and personal estate and assignments of choses in action which may be made to said board, shall be made to said board in its corporate name; and said board may purchase and hold such real

May receive gift, grant, &c.

Power to sell school property.

estate and personal property as may be necessary for the establishment and support of schools, and such real estate as may be purchased under any sale upon execution or decree, in favor of said board, or in satisfaction of any debt due the said board, and at any time thereafter may sell and convey the same.

May hold property.

§ 9. For the purpose of erecting school houses, purchasing school house sites or repairing or improving the same, or purchasing libraries or apparatus, it shall be lawful for said board to borrow money at a rate of interest not exceeding ten per cent. per annum and issue bonds therefor, in sums of not less than one hundred dollars, which bonds shall be executed by the president and clerk of said board, in the name of the board: *Provided*, that the bonds issued by said board, and outstanding, shall not at any time exceed one per centum of the assessed value of the real and personal property of said district.

May borrow money.

§ 10. Said board may also, at any time when they may deem it necessary, borrow any sum or sums of money for a time not exceeding one year, and at a rate of interest not exceeding ten per cent. per annum, to be expended for general school purposes: *Provided*, that the total amount of moneys so borrowed and unpaid, shall not at any time exceed one-half of one per centum of the assessed value of the real and personal property of said district; and for the payment of the moneys so borrowed the proceeds of the taxes first paid into the treasury thereafter, and not specially appropriated by law, are hereby specifically pledged and shall be applied in payment of the sums so borrowed in preference to any other debts.

For school purposes.

§ 11. If any judgment shall be obtained against said board the party entitled to the benefit of such judgment may have execution therefor as follows, to-wit: It shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed by transcript or appeal from a justice of the peace or other court, to issue thence a writ commanding the board of education and treasurer of said district to cause the amount thereof, with ten per cent. interest and costs, to be paid to the party entitled to the benefit of said judgment out of any moneys, unappropriated, of said district; and if there be no such moneys, out of the first moneys that shall be received for the use of said district, and to enforce obedience to such writ by attachment, or by *mandamus*, requiring said board to levy a tax for the payment of said judgment; and all legal process, as well as writs to enforce payment of a judgment, shall be served either on the president or clerk of said board.

Judgments.

§ 12. Said board shall, on or before the first day of August in each year, cause to be raised by taxation, for

Taxation.

school purposes, including the payment of any debts due, or during the ensuing year to become due from said district, such an amount as they shall estimate will, together with the available means accruing from other sources, be required for school purposes in said district, for the ensuing year, and shall determine, as nearly as practicable, what rate per cent., not to exceed one per cent., unless the debts to be paid require it, on all the taxable property in said district, must be levied to raise the amount so estimated, and shall make an order therefor; and the clerk shall enter the same upon the records of the board. It shall be the duty of the clerk of said board to make out a certified copy of said order signed by the president of the board and attested by the clerk, and within ten days from the passage of said order, present the same to the clerk of the board of supervisors of Rock Island county. The tax so levied by the said board of education shall be assessed and collected in the same manner and at the same time and by the same officers that state taxes are assessed and collected within the limits of said district, and the proceeds paid to the treasurer of said board of education, after deducting therefrom one-half the per centage allowed for assessing and collecting state taxes.

Rate per cent.

Clerk to make out
certified copy of
order

Board transact all
business, &c.

§ 13. The said board of education shall transact all business which may be necessary in relation to common schools in said district.

First.—They shall establish a sufficient number of common schools for the education of every person residing in said district, over the age of five years and under the age of twenty years, and shall make the necessary provisions for continuing said schools in operation at least eight months in every year, except the first year after the organization under this act.

Procure ground
and erect build-
ings.

Second.—They shall cause suitable lots of ground to be procured, and suitable buildings to be erected, purchased or rented for school houses, and shall supply the same with fuel, furniture and apparatus, and may cause said buildings and other property to be insured, and shall make all other provisions, relative to schools, which they may deem proper.

Visit schools.

Third.—They shall exercise general supervision over the common schools of the district, and shall, by one or more of their number, or by their agent or agents, visit each one of said common schools, at least once a month, while they are in operation.

Fourth.—They shall appoint all the teachers of said common schools; establish rules respecting their qualifications, and how the same shall be determined; fix the amount of the salary or compensation of each teacher, and may dismiss any teacher at any time.

Fifth.—They may direct what branches of learning shall be taught, and what books shall be used in each school.

Sixth.—They shall have power to establish schools of different grades, and the rules and regulations for the admission of pupils into the same, having regard to the qualifications of the pupils; and they may suspend or expel from the schools any pupil found guilty, on a full examination and hearing, of refractory or incorrigibly bad conduct. Schools of different grades.

Seventh.—They may lay off and divide said Rock Island school district into local districts, and from time to time alter the same or create new ones as circumstances may require. Local districts.

Eighth.—They may appoint a board of three persons in each local district, to be denominated district directors; and prescribe by established rules and regulations the powers and duties of such directors, and remove them at their pleasure. May appoint a board in each district.

Ninth.—They may appoint such other officers, committees or agents as they shall deem best and most conducive to the well being of the schools and of school education in said Rock Island school district. Officers.

Tenth.—And generally they shall have and possess all the rights, powers and authority necessary for the proper management of the schools and the school funds, with the power to make all such rules, orders and ordinances as they may deem necessary to carry their powers and duties into effect, and perfect a good system of public instructions and common schools in said district.

§ 14. The several teachers of said public schools shall keep schedules of the pupils attending the schools, as is now required or may hereafter be required of teachers of schools by law; and the said board of education shall make return and report to the state superintendent of public schools or other proper officer, on all such matters and things as are or shall be required by law, and the direction of such superintendent or other proper officer, of any county or township officers; and shall make such other reports as persons having the control of public schools are or may be required to make by virtue of any law of this state. Teachers to keep schedules.

§ 15. Said board shall, at the end of each year of their term of office, cause to be prepared and published in one or more of the newspapers published in the city of Rock Island, a statement exhibiting the condition of schools for the preceding year, which statement shall be substantially as follows, viz: Board to make report.

1st. The whole number of schools which have been taught in said year. Statement.

2d. What number of teachers have been employed in each school, stating the name of each teacher, the time employed and the compensation paid.

3d. The whole number of scholars in all the schools, giving the number of males and females, in each school, separately, and the average number in attendance.

4th. The amount of all the funds received into the treasury during the year, and the sources from whence it was received, stating the amount received from each source.

5th. The amount paid out, stating in every case for what and to whom paid.

6th. The amount and kind of unexpended funds on hand at the end of the year.

7th. A statement of the total amount received and the total amount paid out for school purposes during the year.

Territory included in said school district.

§ 16. All of the territory which at the time of the passage of this act, or at any time hereafter, may be embraced in the corporate limits of the city of Rock Island, shall be included and constitute a part of Rock Island school district; and any tract or tracts of land adjoining said districts may be annexed to it, on condition that three-fourths of the legal voters residing within the limits of such tract or tracts shall petition the board of education to be annexed to said district, and that their petition shall be granted by the unanimous vote of all the members of said board; whenever any territory shall be so annexed to and become a part of said district, all the provisions of this act shall be applicable to it in the same manner as they would have been if it had been embraced within the district at the time of the passage of this act.

Part, by annexed.

Penalty for failure to perform duties.

§ 17. For any neglect or failure by the said board of education, or of any member thereof, to fulfil the duties required of or imposed upon them by any of the provisions of this act, they shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, at the suit of any person who may complain; and any member of said board who shall appropriate to his own use any of the funds that may come to his hands or under his control, belonging to said district, for school purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, and imprisoned in the county jail, not exceeding one year.

Penalty to apply to clerk, treasurer, &c.

§ 18. The provisions of the last preceding section shall be held to apply to the clerk, treasurer or any other officer or agent elected or appointed in pursuance of this act.

Act repealed.

§ 19. All prior acts or parts of acts inconsistent with the provisions of this act are hereby repealed; and any act of the generally assembly now in force, or hereafter enacted, shall not be construed in any manner to repeal, alter or change any of the provisions of this act, unless such act shall specifically provide for such repeal, alteration or change.

§ 20. This act is declared to be a public law, and shall take effect and be in force from and after its passage.

APPROVED Feb. 18, 1857.

AN ACT to provide for reclaiming certain overflowed lands in the counties of Adams, Pike and Calhoun, in the state of Illinois. In force Feb. 18, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Samuel Leonard, his associates and assigns, are hereby authorized and empowered to construct a levee from a point near the town of Millville, in the county of Adams, along and down the bank of the Mississippi river, into Calhoun county; said levee to be constructed as near the bank of said river as may be practicable; and which levee shall be sufficient in height, strength and durability to effectually protect all lands between said levee and the bluffs on the eastern side thereof from inundation or overflow by reason of high water from the Mississippi river, its sloughs or tributaries, similar to the great flood of 1851.*

Samuel Leonard
authorized to
construct a levee

§ 2. Said Leonard, his associates and assigns, shall commence the construction of said levee within one year after the passage of this act, and complete the same within five years thereafter, and shall keep said levee in good repairs for the term of fifty years after the completion of the same; and in case of failure to comply with the provisions of this section, all rights and privileges hereinafter granted shall be forfeited.

To commence
the construction
within one year

§ 3. Said Leonard, his associates and assigns, are hereby authorized and empowered to enter upon, take and use all such lands along the line of said levee as may be necessary in constructing said levee, not exceeding in width one hundred feet where said levee is of the height of eight feet or under, and where said levee shall be more than eight feet in height, then and in that case it shall be lawful for said Leonard, his associates or assigns, to extend the width of said land so taken by them to one hundred and fifty feet.

Authorized to
enter upon and
take lands.

§ 4. The said Leonard, his associates or assigns, for the purpose of acquiring the land necessary in the construction of said levee, are hereby authorized to acquire the same in the manner and under the provisions of chapter 92 of the Revised Statutes, approved March 2d, 1845, and of an act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22, 1852.

Manner of ac-
quiring lands.

To restore high-
ways, &c. to
their former
condition.

§ 5. Whenever it shall be necessary to construct said levee across any public highway, it shall be the duty of the said Leonard, his associates or assigns, to grade or bridge such highway on each side of said levee, for such distance and in such manner as to render the same passable, and as good in every respect as a public highway, as it was before the construction of said levee.

Board of super-
visors to appoint
a commissioner.

§ 6. Upon the application of the said Leonard, his associates and assigns, to the board of supervisors of said counties, or either of them, in which they may desire to construct any portion of said levee, it shall be the duty of such board of supervisors, by an order to be entered of record, to appoint a commissioner, whose duty it shall be to ascertain and report to said board of supervisors a list of all lands between said proposed levee and the bluffs on the eastern side thereof which were overflowed in whole or in part by the high water in the year 1851; and said board of supervisors shall cause said report to be filed and recorded by their clerk, and a copy thereof to be certified to the auditor of state within one month after the same is so filed and recorded; and said lands shall thereafter be assessed and taxes collected thereon, at the same rate and in the same manner in which taxes are levied and collected in this state for county and state purposes, and which taxes when so collected shall be paid into the county and state treasury as now provided or as hereafter may be provided by law.

County and state
treasurer to pay
over money.

§ 7. That it shall be the duty of the state treasurer and the county treasurer of the counties in which said levee may be situate, immediately on receiving the state and county revenue of each year, to pay to the said Leonard, his associates and assigns, for the term of fifty years, all taxes collected on said overflowed lands so certified as aforesaid, over and above the amount collected on the same lands for the year 1856, excepting the two mill tax provided for by the present constitution of the state for paying the state debt.

County clerk to
forward list to
auditor.

§ 8. That when the county clerk in the county in which said lands may be situate shall receive the assessor's list of real estate assessed for taxation in said county, he shall forward to the auditor of state a list of said lands and the assessed value thereof, at each assessment required by law, and the auditor shall, in a separate column, assess a tax on said lands according to the value of each tract, sufficient in amount to produce thirty thousand dollars in the aggregate, which shall be collected in the same manner in which the state revenue is now collected by law, and which sum when collected shall be paid into the county treasury of the county in which the lands do lie, and by the county treasurer paid to the said Leonard, his associ-

Auditor to assess
a tax.

Paid into county
treasury.

ates and assigns, as soon as the same may be received by said treasurer; and for which services the officers shall be allowed the same compensation as is now allowed by law for similar services, to be paid out of said fund when so collected.

§ 9. The boards of supervisors in the counties in which said lands or any part thereof may be situate, shall fix the compensation of the commissioners provided for in the sixth section of this act at such sum as may be deemed reasonable, which shall be paid by said Leonard, his associates or assigns; and before said commissioner shall enter upon the discharge of his duties, he shall take an oath faithfully and impartially to discharge the duties required of him by this act, which shall be filed with the county clerk and by him recorded.

Supervisors to fix compensation of commissioners.

§ 10. When any portion of said work shall have been completed, it shall be the duty of the board of supervisors, upon the application of said Leonard, his associates or assigns, in the counties where said levee may be situate, to appoint three suitable persons as commissioners, who shall examine said levee and report to said board whether or not said levee will protect said overflowed lands, or any part thereof, from overflow from similar floods to the one of 1851; said commissioners to be sworn faithfully to discharge their duties as required by this act before entering upon the discharge of their duties.

Board of supervisors to appoint commissioners.

§ 11. When the owners of any land so reclaimed from overflow and reported for taxation as aforesaid shall wish to commute with the said Leonard, his associates or assigns, for the special tax provided for in the 8th section of this act, upon paying or tendering to him or them the sum of three dollars and fifty cents per acre in lieu of said special tax, then the land upon which the same may be paid shall be forever exempt from the payment of said special tax.

Land to be exempt upon payment of certain amount.

§ 12. No part of the special tax provided for in this act shall be assessed, collected or paid to said Leonard, his associates or assigns, upon lands not fully protected from overflow from water which may be as high as it was at any time in the year 1851. But whenever the commissioners provided for in the 10th section of this act shall report that any part of the land returned for taxation as aforesaid is fully protected from overflow, within the meaning of this act, then said Leonard, his associates or assigns, shall be entitled to receive said tax which shall be thereafter assessed and collected on the portion so reclaimed from such overflow; and no portion of the general tax provided for by this act shall be paid to said Leonard, his associates or assigns, except upon lands actually reclaimed as aforesaid.

No part of tax to be paid, except upon certain condition.

Authorized to
cross streams,
&c.

§ 13. Said Leonard, his associates or assigns, are hereby authorized and empowered to cross all streams, sloughs and water courses, roads, streets and alleys, necessary to be crossed in the construction of said levee, and shall be liable to the owners of any water power for all damages done them in the construction of said levee.

Required to build
a culvert.

§ 14. Said Leonard, his associates and assigns, in the construction of said levee, shall build or cause to be built, across the Snycarty, at the head thereof, a culvert with an opening twenty-five feet in width and three feet in depth, so as to admit a stream of water of that size to pass; said culvert to be as low as the bed of the said Snycarty so as not to obstruct the passage of the water through. They shall also build and keep in repair a lock, to be built upon the canal slough at Gilgal, sufficient for the passage of ordinary flat boats or rafts; the said lock to be not less than one hundred feet in length and twenty feet in width.

§ 15. This act to take effect and be in force from and after its passage.

APPROVED Feb. 10, 1857.

1857. Feb. 16. AN ACT to authorize William H. Lamb, Coleman Bright and William D. Watson to sell and convey certain real estate therein described.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That William H. Lamb, Coleman Bright and William D. Watson be and they are hereby authorized, after giving public notice for four weeks, by posting notices in three of the most public places within the town of New Albany, to sell at public auction, to the highest bidder, upon such time as they may deem proper, and convey a certain lot of land, with the buildings thereon, in the town of New Albany, Coles county, used as a school house and site in said town, also a lot of ground in said town owned and used as a public square. The proceeds of said sales to be applied to the building of a district school house in said town.*

§ 2. This act to be a public act and be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to amend an act entitled "An act to incorporate the town of Hennepin," approved June 22d, 1852. In force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all of section 10 of said act, making the trustees of said corporation directors of common schools and empowering them to erect and keep in repair school houses, and to regulate and maintain common schools within said corporation, be and the same is hereby repealed.

This act to be in force from and after its passage.

APPROVED Feb. 16, 1857.

AN ACT to establish and maintain a system of free schools.

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION—HIS ELECTION AND DUTIES.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That at the election to be held on Tuesday after the first Monday of November, A. D. 1858, and biennially thereafter, there shall be elected, by the legal voters of this state, a state superintendent of public instruction, who shall hold his office for two years, and until his successor is duly elected and qualified. Election of superintendent.

§ 2. Before entering upon his duties he shall take and subscribe the usual oath of office, and shall also execute a bond, in the penalty of twenty-five thousand dollars, payable to the state of Illinois, with sureties to be approved by the governor, conditioned for the prompt discharge of his duties as superintendent of public instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands by virtue of his office; said bond and oath shall be deposited with the secretary of state, and an action may be maintained thereon by the state, at any time, for a breach of the conditions thereof. To give bond.

§ 3. It shall be his duty to keep an office at the seat of government of the state, and to file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year separately, and to keep and preserve all other public documents, books and papers relative to schools, coming into his hands as state superintendent, and to hold the same in readiness to be exhibited to the governor, or to any committee of either house of the general assembly; and shall keep a fair record of all matters pertaining to the business of his office. Keep office at the seat of government.

Pay over money

§ 4. He shall, without delay, pay over all sums of money which may come into his hands by virtue of his office, to the officer of persons entitled to receive the same, in such manner as may be prescribed by law.

Advise with
teachers

§ 5. He shall counsel and advise, in such manner as he may deem most advisable, with experienced and practical school teachers, as to the best manner of conducting common schools

Supervision of
common schools.

§ 6. Said superintendent shall have the supervision of all the common and public schools in the state, and shall be the general adviser and assistant of school commissioners in the state; he shall, from time to time, as he shall deem for the interest of schools, address circular letters to said commissioners, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, and procuring competent teachers.

Address circular
letters

Report to gover-
nor

§ 7. Said state superintendent shall, before the fifteenth day of December of every year preceding that in which shall be holden a regular session of the general assembly, report to the governor the condition of schools in the several counties of the state, the whole number of schools which have been taught in each county in each of the preceding years, commencing on the first Monday of October; what part of said number have been taught by males exclusively; what part by females exclusively; what part of said whole number have been taught by males and females at the same time; and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of white persons in each county under twenty-one years of age; the amount of township and county fund; the amount of the interest of the state or common school fund, and of the interest of the township and of the county fund annually paid out; the amount raised by an *ad valorem* tax; the whole amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, the prices paid for the same, and total amount purchased, and what quantity and how distributed; and the number and condition of the libraries, together with such other information and suggestions as he may deem important in relation to the school laws, schools, and the means of promoting education throughout the state; which report shall be laid before the general assembly at each regular session.

Make rules and
regulations.

§ 8. The said state superintendent of public instruction shall make such rules and regulations as he may think necessary and expedient to carry into full effect the provisions of this act, and of all the laws which now are or

may hereafter be in force for establishing and maintaining schools in this state; and the said superintendent shall have power, and it shall be his duty, to explain and interpret and determine to all school commissioners, directors, township and other school officers, the true intent and meaning of this act, and their several duties enjoined thereby, and his decision shall be final, unless otherwise directed by the legislature, or reversed by a court of competent jurisdiction.

To interpret the meaning of this act.

§ 9. The said state superintendent shall have power to direct and cause the school commissioner of any county, directors or board of trustees or township treasurer of any township, or other school officer, to withhold from any officer, or township, or teacher, any part of the common school, or township, or other school fund, until such officer, township, or teacher, shall have complied with all the provisions of this act relating to his, her or their duties, and such rules and regulations as the state superintendent may prescribe, not inconsistent with this act; and the state superintendent may forbid the payment of any part of the common school, township, county, or other school fund, to any district in which the school or schools have not been kept according to law, or in which no school has been kept for six months during the year next preceding the demand for payment.

To cause school commissioners to withhold funds.

§ 10. And the said state superintendent shall receive annually the sum of fifteen hundred dollars, to be paid quarterly, as a salary for the services required under the provisions of this act, or any other law that may be passed, and also for all necessary contingent expenses, for books, postage and stationery pertaining to his office, to be audited and paid by the state, as the salaries and contingent expenses of other officers are paid.

Salary of superintendent.

SCHOOL COMMISSIONERS—THEIR ELECTION AND DUTIES.

§ 11. On the Tuesday next after the first Monday in November next, and on the Tuesday next after the first Monday in November, every two years thereafter, there shall be elected, by the qualified voters of each and every county in this state, a school commissioner, who shall execute the duties herein required. He shall, before entering upon his duties, take an oath for the faithful discharge of his duties. He shall, before entering upon his duties, execute a bond, payable to the state of Illinois, with two or more responsible freeholders as security, to be approved by the county court, (or in counties adopting the township organization, by the board of supervisors,) in a penalty of not less than twelve thousand dollars, to be increased at the discretion of said court, in proportion to his responsi-

Election of school commissioner.

To give bond.

bilities, conditioned that he will faithfully perform all the duties of school commissioner of said county, according to the laws which are or may be in force; by which bond the obligors shall be bound jointly and severally, and upon which an action or actions may be maintained by the board of trustees of the proper township, for the use of any township or fund injured by any breach thereof; and joint action may be had for two or more funds.

§ 12. The bond required in the foregoing section shall be in the following form, viz :

STATE OF ILLINOIS, } ss.
 _____ County. }

Know all men,

by these presents, that we, A B, C D, and E F, are held and firmly bound, jointly and severally, unto the people of the state of Illinois, in the penal sum of _____ dollars, to the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents. In witness whereof we have hereunto set our hands and seals, this _____ day of _____ A. D. 185—.

The condition of the above obligation is such, that if the above bounden A B, school commissioner of the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are, or may hereafter be in force, and shall deliver over to his successor in office all moneys, books, papers and property in his hands as such school commissioner, then this obligation to be void; otherwise to remain in full force and virtue.

A _____ B _____, [SEAL.]
 C _____ D _____, [SEAL.]
 E _____ F _____, [SEAL.]

And which bond shall be filed in the office of the county court.

liable to removal.

§ 13. The said commissioner shall be liable to removal by the county court, (or in counties adopting township organization, by the board of supervisors,) for any palpable violation of law or omission of duty; and if a majority of said court or board of supervisors shall at any time be satisfied that his bond is insufficient, it shall be his duty, on notice, to execute a new bond, to be payable, conditioned and approved as the first bond; the execution of which shall not affect the old bond, or the liability of the security thereof; and when the office of school commissioner shall become vacant by death, resignation, or otherwise, the county court, or board of supervisors, shall fill the same by appointment for the unexpired term, and the person so appointed shall hold his office until his successor shall be qualified.

Yessary to be filled by appointment

To provide books to keep an account of sales of lands and moneys received.

§ 14. The said commissioner shall provide three well bound books, to be known and designated by the letters A, B, C, for the following purposes: In book A he shall record at length all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book B he shall keep an account of all sales of common school

lands; which account shall contain the date of sale, name of purchaser, description of lands sold, and the sum sold for. In book C he shall keep a regular account of all moneys received for lands sold, or otherwise, and loaned or paid out; the person of whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest, the names of the securities when personal security is taken, or if real estate is taken as security, a description of said real estate, and if paid out, to whom, when, and on what account, and the amount paid out; the list of sales, and the accounts of each township fund to be kept separate. Said books shall be paid for out of the county treasury of the counties in which they are used.

§ 15. Whenever the bond of the township treasurer, approved by the board of trustees of schools, as required by law, shall be delivered by the trustees of schools, or either of them, to the school commissioner, he shall receive and file the same with the papers of his office. He shall then, on demand, deliver to said township treasurer, who shall receipt therefor, all moneys in his hands belonging to said township; also, all bonds, mortgages, notes and securities of every description, for money or property due or to become due the township, and all papers of every description belonging to or in anywise pertaining to the rights or interests of said township; and the receipt of said treasurer to the school commissioner shall be carefully preserved, and shall be evidence of the facts therein stated, as well in favor of the school commissioner as against the township treasurer.

§ 16. Upon the receipt of the amount due upon the auditor's warrant, the school commissioner shall apportion one-third of said amount to the several townships and parts of townships in his county, in proportion to the number of acres in said townships and parts of townships, and the remaining two-thirds to the several townships and fractional townships in his county, according to the number of white children, under twenty-one years of age, returned to him, in which townships or parts of townships schools have been kept in accordance with the provisions of this act, and with the instructions of the state and county superintendents, and shall pay over the distributive share belonging to each township and fractional township, as aforesaid, to the respective township treasurers, or other authorized persons, annually. When there is a county fund in the hands of any school commissioner, it shall be loaned, and the interest applied as provided in this section with respect to the interest on the state fund.

Bond of township treasurer.

School commissioner to apportion state funds

To report to superintendent.

§ 17. The school commissioner shall also, on or before the second Monday of November, before each regular session of the general assembly, or annually, if so required by the state superintendent, communicate to said superintendent all such information and statistics upon the subjects of schools in the county as the said superintendent is bound to embody in his report to the governor, and such other information as the state superintendent shall require.

To deliver over money and property to successors.

§ 18. The school commissioner, upon his removal or resignation, or at the expiration of his term of service, (or in case of his death, his representatives,) shall deliver over to his successor in office, on demand, all moneys, books, papers and personal property, belonging to the office, or subject to the control or disposition of the school commissioner.

To loan moneys.

§ 19. The school commissioner may loan any money, not interest, belonging to the county fund, before the same is called for according to law by the township treasurer, at the same rate of interest, upon the same security and for the same length of time as is provided by this act in relation to the township treasurers; and notes and mortgages taken in the name of the "school commissioner" of the proper county, shall be, and all loans heretofore made in the name of "school commissioners," are hereby, declared to be as valid as if taken in the name of "trustees of schools" of the proper township, and suits may be brought in the name of "school commissioners," on all notes and mortgages heretofore or hereafter made payable to school commissioners.

To visit schools in his county.

§ 20. It shall be the duty of the school commissioner to visit, as often as practicable, the several schools of his county, and to note the common method of instruction and branches taught, and give such directions in the art of teaching, and the method thereof, in each school, as to him, together with the directors, shall be deemed expedient and necessary, so that each school shall be equal to the grade for which it was established, and that there may be, as far as practicable, uniformity in the course of studies in the schools of the several grades respectively, and shall carry out the advice and instructions of the state superintendent.

Duty, in case of failure to make returns.

§ 21. In all cases where the township board of trustees of any township shall fail to prepare and forward, or cause to be prepared and forwarded, to the school commissioner, the information and statistics required of them in this act, it shall be the duty of said school commissioner to employ a competent person to take the enumeration, and furnish said statistical statement, as far as practicable, to the commissioner; and said person so employed shall have free

access to the books and papers of said township, to enable him to make such statement; and the township treasurer, or other officer or person in whose custody such books and papers may be, shall permit said person to examine such books and papers, at such times and places as such person may desire, for the purposes aforesaid; and the said school commissioner shall allow, and pay, to the person so employed by him, for the services, such amount as he may judge reasonable, out of any money which is or may come into said commissioner's hands, apportioned as the share of or belonging to such township; and the said school commissioner shall proceed to recover and collect the amount so allowed or paid for such services, in a civil action before any justice of the peace in the county, or before any court having jurisdiction, in the name of the people of the state of Illinois, of and against the trustees of schools of said township, in their individual capacity; and in such suit or suits the said school commissioner and township treasurer shall be competent witnesses; and the money so recovered, when collected, shall be paid over to the school commissioner, for the benefit of said township, to replace the money taken as aforesaid.

Compensation.

§ 22. When any real estate shall have been taken for debts due to any school fund, the title to which real estate has become vested in any school commissioner, or trustees of schools, for the use of the inhabitants of two or more townships, the school commissioner may resell such real estate for the benefit of said townships, under the provisions of this act regulating the sale of the common school lands; and the said commissioner is hereby authorized to execute conveyances to purchasers; and said commissioner shall be entitled to retain the same per centage on the amount of such sale, out of the assets thereof, as he is entitled to for selling the common school lands.

May resell real estate.

TOWNSHIPS—TRUSTEES OF SCHOOLS.

§ 23. Each congressional township, as surveyed and laid off by authority of the United States, is hereby established a township for school purposes. The business of the township shall be done by three trustees, to be elected by the legal voters of the township; and the said township, upon the election of trustees as aforesaid, as herein provided for, shall be a body corporate and politic, by the name and style of "trustees of schools of township —, range, —," according to the number. The said corporation shall have perpetual existence, and shall have power to sue and be sued, to plead and be impleaded, in all courts and places where judicial proceedings are had.

Trustees a made body politic.

Said trustees shall continue in office two years, and until others are elected and enter upon the duties of their office.

Eligibility of trustees. § 24. No person shall be eligible to the office of trustee of schools, unless he shall be twenty-one years of age, and a resident of the township.

Election of trustees. § 25. The election of trustees of schools shall be on the second Monday in October, biennially, but in townships where such election has not been heretofore had, or where there are no trustees of schools, the election of trustees of schools may be holden on any Monday; notice being given as hereinafter in this section required. The first election shall be ordered, if in townships already incorporated, by the trustees of schools of the township, the township treasurer giving notice of the time and place, by posting up notices of the same at least ten days previous to the day of election, at or in the school house, or in the most public place in every school district in the township. If there are no trustees of schools in a township, the clerk of the county court shall cause the notice to be given as aforesaid. For all subsequent elections, the like notices shall be given by the trustees of schools, through the township treasurer: *Provided*, that if, upon any day appointed as aforesaid, for election aforesaid, the said trustees of schools, or judges, shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Monday, and at the same place and hour; at which meeting the voters shall proceed as if it were not a postponed or adjourned meeting: *And, provided, also*, that if notice shall not have been given as above required, then, and in that case, said election may be ordered as aforesaid, and holden on the first Monday in November, or any other Monday; notice thereof being given as aforesaid.

Proviso.

Further proviso.

Judges and clerks of election. § 26. Two of the trustees of schools of incorporated townships, if present, shall act as judges, and one as clerk of said election. If said trustees shall fail to attend, or refuse to act when present, and in townships unincorporated, the qualified voters present shall choose from amongst themselves, three judges and a clerk to open and conduct said election.

Time, &c., of election. § 27. The time and manner of opening, conducting and closing said election, and the several liabilities appertaining to the judges and clerks, and to the voters separately and collectively, and the manner of contesting said elections, shall be the same as prescribed by the general election laws of this state, defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions of this act: *Provided*, the judges may close said election at four o'clock, P. M.

§ 28. No person shall vote at said election unless he possesses the qualification of a voter at a general election. In case of a tie at such election it shall be determined by lot, on the day of election, by the judges thereof.

Voters.

Tie.

§ 29. When a vacancy or vacancies shall occur in the board of trustees of schools, the remaining trustee or trustees shall order an election to fill such vacancy, upon any Monday; notice to be given as required in section twenty-five hereof.

Vacancy.

§ 30. Upon the election of trustees of schools, the judges of the election shall cause the poll book of said election to be delivered to the school commissioner of the county, with a certificate thereon showing the election of said trustees, and names of the persons elected; which poll book, with the certificate, shall be filed by said commissioner, and shall be evidence of such election.

Poll book delivered to commissioner.

§ 31. The said trustees of schools, elected as aforesaid, shall be successors to the trustees of school lands, appointed by the county commissioner's court, and of trustees of schools elected in townships under the provisions of "an act making provisions for organizing and maintaining common schools," approved February 26, 1841, and of "an act to establish and maintain common schools," approved March 1, 1847. All rights of property, and rights and causes of action, existing or vested in the trustees of school lands, or trustees of schools appointed or elected as aforesaid for the use of the inhabitants of the township, or any part of them, shall vest in the trustees of schools as successors, in as full and complete a manner as was vested in the school commissioner, [the trustees of school lands,] or the trustees of schools appointed and elected as aforesaid.

Powers of trustees and successors.

§ 32. It shall be the duty of the township board of trustees to hold regular semi-annual sessions on the first Mondays of April and October in each year, and may meet at such other times, and at such other places as they may think proper; and the president of the board, or any two members thereof, may call a special meeting of the board; and at all meetings of the board, two of its members shall constitute a quorum to transact any business. Said board shall organize by appointing one of their number president, and some person, who shall not be a director or member of the board, township treasurer, who shall be *ex-officio* clerk of the board. The said president and township treasurer shall hold their respective offices during the term for which that board of trustees, by which they are appointed, shall have been elected, and until their successors are appointed, and until their newly appointed treasurer has given bond as required by this act; either of said officers, however, for good cause, may be removed by the board.

Meeting of.

Clerk of board.

It shall be the duty of the president, when present, to preside at the meetings of the board; and it shall be the duty of the clerk to be present at all meetings of the board, and to record in a book to be provided for the purpose all their official proceedings, which shall be a public record, open to the inspection of any person interested therein; and all said proceedings, when recorded, shall be signed by the president and clerk. If the president or clerk shall be absent, or refuse to perform any of the duties of his office at any meeting of the board, a president or clerk, *pro tempore*, may be appointed.

To prepare map,
&c.

§ 33. Trustees of schools shall lay off the township into districts to suit the wishes and convenience of a majority of the inhabitants of their townships, and shall prepare, or cause to be prepared, a map of their township, as often as may be necessary, on which shall be designated districts, to be styled district No. —, in township No. —, which they may alter or change at any regular session; which map shall be certified by the president and clerk of the board, and filed with, and recorded by the county clerk, in a book to be kept for that purpose, to be paid for out of the county treasury: *Provided*, that school districts may be formed out of parts of two or more townships or fractional townships; in which case the trustees of the schools of the townships interested shall act in conjunction in the formation of such district. When a new district is formed from one or more districts, the trustees shall make division of any tax funds which are, or may be, in the hands of any officer, in proportion to the amount of taxes collected from the property remaining in each district; and it shall be the duty of the officer to pay the same on the order of the trustees.

School districts
may be formed
from two or
more townships

Funds to be di-
vided in propor-
tion to taxes
collected.

Trustees' duty.

Funds

§ 34. At each of their half-yearly meetings, on the first Monday of April and October, the trustees of schools shall proceed to ascertain the amount of state, county and township funds liable to distribution, to wit: the fund arising from the two mill tax, the funds from taxes levied by the directors for the purpose of paying teachers, the interest actually on hand from the state and county school fund, and such of the interest, rents, issues and profits arising from the township lands, and funds as have accrued and become due since the last regular half-yearly meeting, except the two per cent. and the three per cent. which the school commissioner is allowed to retain. The said trustees shall immediately thereupon proceed to distribute the aggregate amount of state, county and township funds thus ascertained to be liable to distribution, as follows: First, to the township treasurer the two per cent. allowed him; second for the payment of the books of the township treasurer, if anything be due for that purpose; third, for the payment of any reasonable charges for dividing common school land, and making

Proportion funds

plats, &c., as provided for in this act ; fourth, the balance, after deducting such an amount as a majority of the directors in the township may, by petition, at the October term, request to be set apart for the support of schools in the summer, they shall apportion on the several schedules certified and returned from each school in the township, according to law, in proportion to the number of days certified on such schedules, respectively, to have been taught since the last regular return day fixed by the act or trustees for the return of schedules ; and the township treasurer shall, as soon as practicable, pay out the money so apportioned to the several persons to whom it shall be distributed ; and shall hold the balance, if any, apportioned on the schedules, subject to the order of the directors of the proper district, to be applied by them to the payment of teachers in their respective districts. The said trustees of schools shall also make such orders, not contrary to law, for the collection of the funds due, as in their discretion shall be most for the interest of the funds. They shall also, at their said half-yearly meetings, ascertain the amount of tax money, or other funds, if any, the treasurer has in hands belonging to any school district being wholly or partly in his township ; and they shall see that the treasurer charges himself in his cash book, in a separate column, in favor of the proper district, with the amount they shall find to be in his hands belonging to such district ; and the amount so ascertained to be in the hands of the treasurer shall be paid out on the order of the directors. The trustees of schools shall also examine the certificate of the district directors to which such tax fund belongs, and they shall thereupon direct the treasurer to pay the tax money aforesaid to the several persons who may appear to be entitled to it, according to the certificate of the directors.

Collection of the funds.

Funds due districts to be paid on order of the directors.

§ 35. Whenever it may be desirable to establish a school composed of pupils, residents of two or more districts, either in the same or different townships, it shall be the duty of the directors of each of such districts to transfer such number of the pupils residing in such districts as the directors of the interested districts may deem proper, to the schools so established ; but the enumeration of scholars shall be taken in each of such districts as if no such transfer had been made ; and such schools, when so composed, shall be supported from the school funds of the respective townships in which the pupils composing such schools shall reside, and from which they have been transferred ; and the directors of the district in which the school is kept shall have the control and management of such school ; and the directors of each of such districts shall pay its share of the entire expenses, of every kind,

Schools composed of pupils from two or more districts.

Enumeration to be made separately.

incurred in the establishment and support of such school, to be computed in proportion to the number of pupils residing in each of such districts composing such school; and each board of township trustees of the townships from which pupils are transferred, shall draw an order on its township treasurer in favor of the township treasurer of the township in which the directors, or persons having the management of such school, shall reside, for its share of the fund for the payment of teachers, due on the schedule to be returned of the number of days' attendance of scholars from such township. The amount apportioned on such schedule shall be the same as if the schedule had been returned for any school in the township, and must be presented at the time required by law for the return of the schedules: *Provided, however*, by agreement of the several boards interested therein, said school may be placed under the control and management of such persons as may be determined by a majority of said board, who shall be styled "directors of union school, in district No. —, in township No. —," and by such name shall be a body politic and corporate, having all the powers conferred on district directors, and the power to levy such taxes in the territory included in their district, to be collected in the same manner as other district taxes are collected.

Union schools.

Trustees report
to county school
commissioners.

§ 36. The board of trustees of each township in this state shall prepare, or cause to be prepared by the township treasurer, the clerk of the board, or other person, and forwarded to the school commissioners of the county in which the township lies, on or before the second Monday of October, preceeding each regular session of the general assembly of this state, and at such other times as may be required by the school commissioner, or by the state superintendent of public instruction, a statement exhibiting the condition of schools in their respective townships for the preceeding biennial period, giving separately each year, commencing on the first Mondays of October and ending on the last of September; which statement shall be as follows: 1st. The whole number of shools which have been taught in each year; what part of said number have been taught by males exclusively; what part have been taught by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods. 2d. The whole number of scholars in attendance at all the schools, giving the number of males and females separately. 3d. The number of male and female teachers, giving each separately; the highest, lowest and average monthly compensation paid to male and female teachers, giving each item separately. 4th. The number of persons under twenty-one years of age. 5th. The amount

No. of schools.

No. of scholars.

No. of teachers.

No. of persons.

of the principal of the township fund; the amount of the interest on the township fund paid into the township treasury; the amount of state or common school fund received by the township treasurer; the amount raised by *ad valorem* tax, and the amount of such tax received into the township treasury, and the amount of all other funds received into the township treasury. 6th. amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others. 7th. The whole amount of the receipts and expenditures for school purposes, together with such other statistics and information in regard to schools as the state superintendent or school commissioner may require.

Am't of funds.

Paid out.

Other information as required by the superintendent.

§ 37. In all cases where a township is, or shall be divided by a county line, or lines, the board of trustees of such township shall make, or cause to be made, separate enumerations of male and female white persons of the ages as directed in the foregoing section of this act, designating separately the number residing in each of the counties in which such township may lie, and forward each respective number to the proper school commissioner of each of said counties; and in like manner, as far as practicable, all other statistics and information enumerated and required to be reported in the aforesaid section, shall be separately reported to the several school commissioners; and all such parts of said statistical information as are not susceptible of division, and are impracticable to be reported separately, shall be reported to the school commissioner of the county in which the sixteenth section of such township is situated.

Separate enumeration to be made.

§ 38. At each semi-annual meeting, and at such other meetings as they may think proper, the said township board shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the accounts and vouchers of the township treasurer, or other township school officer, and shall make such order thereon for their security, preservation, collection, correction of errors, if any, and for their proper management, as may seem to said board necessary.

Books and vouchers to be examined.

§ 39. The board of trustees of each township in the state may receive any gift, grant, donation, or demise, made for the use of any school or schools, or library, or other school purposes within their jurisdiction; and they shall be, and are hereby invested, in their corporate capacity, with the title, care and custody of all school houses and school house sites; but the supervision and control

Donations

The control of school houses vested in the board of directors.

of them is expressly vested in the directors of each district in which said property is situated; and when in the opinion of the school directors, the school house site has become unnecessary, or unsuitable, or inconvenient for a school, said board shall sell and convey the same in the name of the said board, after giving at least twenty days' notice of such sale, by posting up written or printed notices thereof, particularly describing said property and terms of sale, and such conveyance shall be executed by the president and clerk of said board, and the avails shall be paid over to the township treasurer for the benefit of said district; and all conveyances of real estate, which may be made to said board shall be made to said board in their corporate name, and to their successors in office. When any two or more districts shall be consolidated into one, the new district shall own all the corporate property of the several districts; and when a district shall be divided, or a portion set off to another district; the funds, property, or the income and the proceeds thereof belonging to such district shall be distributed or adjusted among the several parts by the trustees of the town or towns to which such district belongs, and in a just and equitable manner.

Money to be paid to township treasurer.

§ 40. The township board shall cause all moneys for the use of the township to be paid over to the township treasurer. They shall have power, also, to remove the township treasurer at any time, for any failure or refusal to execute or comply with any order or requisitions of said board, legally made, or any other improper conduct in the discharge of his duty as treasurer, or at any time they may deem such removal expedient. They shall also have power, for any failure or refusal as aforesaid, to sue him upon his bond.

Trustees to purchase real estate

§ 41. The township trustees are hereby vested with general power and authority to purchase real estate, if in their opinion the interests of the township fund will be promoted thereby, in satisfaction of any judgment or decree wherein the said board or school commissioner are plaintiffs or complainants; and the title of such real estate so purchased shall vest in said board, for the use of the inhabitants of said township, for school purposes; and all purchases of land heretofore made by school commissioners, or trustees of school lands, or trustees of schools, for the use of any fund or township for the use of schools, are hereby declared valid. The said board are hereby vested with general power and authority to make all settlements with persons indebted to them in their official capacity; or receive deeds of real estate in compromise; and to cancel, in such manner as they may think proper, notes, bonds, mortgages, judgments and decrees, existing, or that may hereafter exist, for the benefit of the township, when the

interest of said township, or the fund concerned, shall, in their opinion, require it; and their action shall be valid. Said board of trustees are hereby authorized to lease or sell, at public auction, any land that may come into their possession, in such manner and on such terms as they shall deem for the interest of the township: *Provided*, that in all cases of sale of land, as provided in this section, the sale shall be made at the same place, and notice given of it in the same manner as is provided in this act for the sale of the sixteenth section.

SCHOOL DIRECTORS—THEIR ELECTION AND DUTIES.

§ 42. It shall be the duty of the legal voters within each school district to meet at the school house, or other convenient place in the district, on the first Monday of October next, or as soon thereafter as the township may be laid off into districts, and on the first Monday of October annually thereafter, and elect three persons within the district, to be styled school directors, who shall continue in office for the term of one year, and until their successors are elected. But the first election may be held on any Monday, notice being given by the township treasurer, according to the provisions for the election of trustees. The legal voters, when assembled, shall choose three of their number to act as judges, and one as clerk, at such election. In case of a tie at said election for school directors, it shall be determined by lot on the day of election, by the judges thereof. The district directors, upon their election, or as soon thereafter as practicable, shall agree and appoint one of their number clerk, who shall keep a record of all the official acts of the board of directors, in a book to be provided for that purpose. Before every election of directors, and when a vacancy shall occur in the board of directors, the remaining director or directors shall order an election to fill said vacancy, giving at least five days' notice, by posting advertisements in at least three public places in the district; and the judges of the election shall cause the poll book to be delivered to the township treasurer, with a certificate thereon showing the election of said directors and names of the persons elected, which poll book shall be filed by the township treasurer, and shall be evidence of said election. If any trustee or director shall not be an inhabitant of the district or township which he represents, an election shall be ordered to fill the vacancy, and no person shall be at the same time a director and trustee, nor shall a director or trustee be interested in any contract made by the board of which he is a member.

Provide

Election of school directors.

First election held on any Monday.

Tie.

Selection of clerk

Notice of election

Authorized to
levy tax for
building school
houses, and for
libraries, furni-
ture and fuel.

§ 43. For the purpose of erecting school houses, or purchasing school house sites, or for the repairing and improving the same, for procuring furniture, fuel and district libraries, and for the purpose of paying the balance due teachers, after the state and township funds are exhausted, the board of directors of any district shall be authorized to have levied and collected a tax, annually, on all the property in their district.

Directors to esti-
mate the
amount of funds
required to be
raised for school
purposes.

§ 44. At each meeting in October, or at any subsequent meeting thereafter, before the first Monday of July, annually, each board of directors in this state shall determine, by estimate, as nearly as practicable, the entire amount of money necessary to be expended in the district, to keep in good condition and operation a sufficient number of free schools for the accommodation of all the children in said district during the ensuing year, over and above the available means arising from the township fund or from other sources, and also such additional amount as the board may think necessary for the exclusive purpose of supplying any deficiency in the fund for the payment of teachers, and for the purpose of extending the terms of schools after the state or common school fund shall have been exhausted; and shall determine, as nearly as practicable, what rate per cent. on the one hundred dollars' valuation of all the taxable property in the district, each of said amounts, separately, will require to be levied; each of which rates so estimated and required to be levied, together with a list of all the resident tax payers of the district, the said board shall make known by certificate in writing, signed by the president and clerk of the board, or at least two of the directors, to the clerk of the county court of the county, on or before the first Monday of July next thereafter in each year: *Provided*, that the people vote the same as hereinafter expressed, which certificate may be in the following form, viz:

The rate per cent.

List of tax-pay-
ers

Subject to vote
of people

Term of certifi-
cate

We, the undersigned, directors of district No. —, township No. —, range No. —, in the county of —, and state of Illinois, do hereby certify that said board have estimated and required to be levied for the year 18—, the rate of —, for general school purposes, and the rate of —, for paying teachers and extending terms of schools, on each one hundred dollars' valuation of taxable property in said district. Given under our hands, this — day of —, 18—.

A. B., }
C. D., } *Directors.*
E. F., }

Term of county
clerk

§ 45. According to the rate or rates certified as aforesaid, the said county clerk, when making out the tax books for the collector, should compute each taxable person's tax in said district, taking as a basis the total amount of taxable property returned by the county assessor for that year, lying and being in said district, whether belonging

to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies in said district. The said county clerk shall cause each person's tax so computed to be set upon the tax book, to be delivered to the collector for that year, in a separate column, against each tax payer's name, or parcel of taxable property, as it appears in said collector's book, to be collected in the same manner, and at the same time, and by the same persons, as state and county taxes are collected: *Provided*, the assessments so made in the years intervening between the regular biennial assessments of real estate as provided in the revenue acts, shall be based upon the tax payer's real estate as assessed at the regular biennial assessment. The computations of each person's tax, and the levy made by the clerk, as aforesaid, shall be final and conclusive: *Provided, further*, the rate shall be uniform, and shall not exceed the rate certified by the board of directors; and the said county clerk, before delivering the tax book to the collector, shall make out and deliver, on demand, to each township treasurer, of the respective townships in the county, a certificate of the amount due each district in his township, of said tax so levied and placed upon the tax books; and on or before the first day of April next after the delivery of the tax books containing the computation and levy of said taxes aforesaid, or so soon thereafter as the township treasurer shall present the said certificate of the amount of said tax, and make a demand therefor, the said county collector shall pay to said township treasurer the full amount of said tax, so certified by the county clerk, retaining from said amount only two per centum, as his fees for collection, taking of the township treasurer his receipt therefor, which receipt shall be evidence, as well in favor of the collector as against the township treasurer; and said treasurer shall enter the same in his books, under the proper heads, and pay the same out as provided for by this act. When a district is composed of parts of two or more townships the directors shall determine and inform the collector in writing, under their hands as directors, which of the treasurers of the townships from which their district is formed shall demand and receive the tax money collected by the county collector as aforesaid.

Districts composed of two or more townships

§ 46. If any collector shall fail to pay the amount of said tax, or any part thereof, as required in the aforesaid section, it shall be competent for the township treasurer, or other authorized person, to proceed against such collector and his securities in an action of debt in the county court; which court is hereby vested with full power and authority to hear and determine all such suits, render judgments and issue execution; or said suit may be

Penalty

brought in any other court having jurisdiction; and the said collector, so in default, shall pay twelve per centum upon the amount due, to be assessed as damages, which shall be included in the judgment rendered against him: *Provided*, no collector shall be liable for such part of said tax as he shall be able to make appear he could not have collected by law until he may be able to so collect such amount.

*Certificate to be
returned to clerk
of co. court.*

§ 47. When a district is or shall hereafter be situated in two or more counties, the certificate of the rate of taxation shall be returned to the clerks of the county court of each of such counties, furnishing to each clerk the names of the resident tax payers of that part of such district which lies in his county; and each of said clerks shall proceed in all respects as regards the taxable residents and taxable property of that part of such district situated in his county. and for the purpose of enabling school directors to make the estimate of taxes, the county clerk of each county shall furnish to the clerk of each of said boards the total amount of the valuation of taxable property of each district respectively, as returned by the assessor of the previous year; and to enable the clerk of the county court to perform his duty for the first estimates as aforesaid, the directors shall furnish to said county clerk a list of all the names of the resident tax payers of the previous year in said district, in the county, and thereafter said list of names shall be furnished as provided in this act. For the purpose of erecting school houses, or purchasing school house sites, or for repairing and improving the same, it shall be lawful for the board of directors of any district to borrow money, at a rate of interest not exceeding ten per cent. per annum, and issue bonds therefor in sums not less than one hundred dollars; which bonds shall be executed by the president and clerk of said board, or at least two of the directors: *Provided*, that the total indebtedness incurred by any district under this section, shall not at any time exceed three per cent. per annum of the assessed value of the real and personal property of said district: *Provided, further*, that the same shall be voted by a majority of all the votes cast at any election, first giving ten days' notice thereof, by posting up three notices of the time, place and object of the meeting.

*County clerk to
furnish valuation
of property*

*Directors may
borrow money to
build school
houses*

Provided

Further provided

*Board of directors
is a body corporate*

§ 48. The board of directors in each district in this state shall be deemed and are hereby declared a body politic and corporate, by the name of "school directors of district number —, township —, range —, county of —, and state of Illinois," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatever, and to have perpetual succession. Each district shall be liable

for the balance due teachers after the state and township funds are exhausted, and also for all debts contracted under the authority of law. A majority of said directors shall constitute a quorum to do business; and the board, when convened, shall have power to purchase libraries and apparatus for the district, to be paid for out of the tax funds of the district. They shall establish a sufficient number of common schools for the education of every individual person over the age of five and under twenty-one years, in their respective districts; and shall make the necessary provision for continuing such schools in operation for at least six months in each year, and longer, if practicable. They shall cause suitable lots of ground to be procured, and suitable buildings to be erected, purchased or rented for school houses; shall supply the same with furniture and fuel, and make all other provisions relative to schools which they may deem proper; they may adopt rules for the government of schools, and shall exercise a general supervision over the schools of their respective districts, and shall, by one or more of their number, visit every school in the district at least once a month, and shall cause the result of such visit to be entered on the records of the board. They shall have the appointment of all teachers of the schools in the district; shall fix the amount of teachers' salaries or compensation, and may dismiss them at any time for incompetency, cruelty, negligence or immorality; shall direct what branches of learning shall be taught in each school, and may suspend or expel from the school all pupils found guilty, on full examination and hearing, of refractory or incorrigibly bad conduct. Said school directors are hereby authorized to receive and hold, by their name of school directors, for the use of schools in the district, any book purchased for or donated to the district library, and the same shall be kept and controlled and loaned to the inhabitants of the district, according to rules prescribed by said directors. But the librarian shall, in no case, receive any compensation out of the school fund for his services. The directors of any district are hereby authorized to appropriate any surplus moneys, after paying teachers' wages and all other necessary school expenses, in any year, in the purchase of school libraries and apparatus for their respective districts. No school site shall be purchased, nor shall a school house be erected, located, purchased or changed without the consent of a majority of the legal voters of any district at an election; in which case notice shall be given in the same manner, and for the same number of days as is required for the election of directors, either by the directors or at least ten legal voters of said district. *Provided, however,* if a majority of the votes cast at said election is not obtained for any site, the di-

Each district liable for balance due teachers

Power to purchase libraries

Build and furnish school houses.

Visit schools.

Shall appoint & may dismiss teachers.

Have control of district libraries.

May expend surplus moneys for libraries.

Provide.

rectors shall have power to locate and build a school house which shall not cost over the sum of \$1000 ; nor shall the directors have power to levy taxes for the purpose of extending the terms of schools for a longer period than six months in each year; nor for the purpose of building a school house to cost over the sum of \$1000, without the consent of a majority of the votes cast at said election. The notice shall state the questions to be decided at said election.

OF JUDGMENTS AND EXECUTIONS AGAINST BOARDS OF TRUSTEES OR SCHOOL DIRECTORS.

Judgment and execution against trustees and directors.

§ 49. If judgment shall be obtained against any township board of trustees or school directors, the party entitled to the benefit of such judgment may have execution therefor, as follows, to wit: it shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed, by transcript or appeal from a justice of the peace, or other court, to issue thence a writ, commanding the directors, trustees and treasurer of such township to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys, unappropriated, of said townships ; or if there be no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, which shall be received for the use of such township ; and to enforce obedience to such writ by attachment, or by *mandamus*, requiring such board to levy a tax for the payment of said judgment; and all legal process, as well as writs to enforce payments of a judgment, shall be served either on the president or clerk of the board.

EXAMINATION AND QUALIFICATION OF TEACHERS.

Examination of teachers.

§ 50. The school commissioner shall, either by himself or any person or persons whom he shall appoint, examine such person or persons proposing to teach a common school in the county, in relation to his or her qualification to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography and the History of the United States ; and if he or they shall be satisfied that such person sustains a good moral character, and is qualified properly to teach all the aforesaid branches, he or they shall give such person a certificate of qualification ; which certificate shall be good and valid in said county for two years from the date thereof, and said certificate may be renewed, at its expiration, by indorsement thereon by the said commissioner or examiners. And the said commis-

sioner may revoke said certificate for gross immorality, incompetency, or other adequate cause. The said certificate to the teacher may be in the following form, viz :

Commissioner
may revoke cer-
tificate.

———— ILLINOIS. ——— 18—

The undersigned having examined ———, and being satisfied that ——— sustains a good moral character, hereby certify that ——— is qualified properly to teach the following branches, viz: orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the History of the United States; which certificate is good and valid in said county for two years from the date hereof, renewable at the option of the school commissioner, or of any two members of the board of examiners, by his or their indorsement thereon.

Form of certi-
cate.

Given under ——— hand, at the date aforesaid.

A B. School Commissioner.

C D. }
E F. } Examiners.

Provided, that each and every school or schools, of whatever grade, established or authorized to be established under the provisions of this act, shall be a school or schools for the purpose of teaching various branches of an English education; and no part of the common school fund, township fund, or of any other school fund, shall be paid out or appropriated for the establishing, conducting, or the supporting in any manner of any other character or class of school or schools, as aforesaid designated: *Provided*, that nothing herein contained shall prevent the teaching a foreign language in a common school, as aforesaid.

Proviso.

§ 51. It shall be the duty of the school commissioner to fix upon the time of holding meetings for the examination of teachers, in such places in their respective counties, as will, in their opinion, best accommodate the greatest number of candidates for examination; notice of all such meetings having been published in some newspaper of general circulation; and all teachers who do not attend at the appointed time for said examination, shall pay to the school commissioner one dollar for their certificate.

Meetings for ex-
amination of
teachers.

Publication of
notice.

TEACHERS—THEIR DUTIES.

§ 52. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any board of directors of any school district in this state, who shall not, before his employment, exhibit to said board, or to a committee of said board, a certificate of qualification obtained under the provisions of this act; nor shall any teacher be paid any portion of the school or public fund aforesaid, unless he shall have kept and furnished schedules as herein directed: *Provided*, if the directors of a district shall certify that they are unable to procure a teacher competent to teach the branches required by this act,

Exhibit certifi-
cate.

Proviso.

the commissioner shall issue a certificate of qualification to teach such branches as said directors may specify; which certificate shall be valid only in said district, and for one year.

Schedule

§ 53. Teachers shall make schedules of the names of all scholars under twenty-one years of age, attending their schools, in the form prescribed by this act; and when scholars reside in two or more districts, townships or counties, separate schedules shall be kept for each district, township or county, and the absence or presence of every scholar shall be set down under the proper date, and opposite the name, on every day that school is open, and the absence of a scholar shall be signified by a blank—the presence by a mark. The schedule to be made and returned by the teacher shall be, as near as circumstances will permit, in the following form, viz:

Form of schedule. **SCHEDULE** of a common school kept by *A B*, at —, in district number —, in township number —, range number — of the — principal meridian, in the county of —, in the state of Illinois.

Names of scholars attending my school, and residing in district number —, in township — north, range — west, in — county.	1855														Total number of days of each scholar.
	Monday, January	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	
John Smith.....															14
Isaac Miller.....															11
Sarah Danforth.....															20
Mary Newman.....															19
Grand total number of days.....															64

And said teacher shall add up and set down the whole number of days' attendance of each scholar, and add up said whole numbers, and make out the grand total number of days' attendance, as in the form above prescribed, and shall attach thereto his certificate, which shall be in the following form, viz:

I certify that the foregoing schedule of scholars attending my school, as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct; and that it was a school for the purpose of teaching various branches of an English education.

A. B., Teacher.

When the teacher shall have completed his or her schedule or schedules, as above required, he or she shall deliver it to some one of the directors, and it shall be the duty of said director, in connection with one other director of the board, to carefully examine such schedule or schedules, and, after correcting all errors, and if they shall find such schedule to have been kept according to law, they shall certify to the same, as near as practicable, in the following form, viz :

Schedules to be delivered to directors

STATE OF ILLINOIS, }
County, } ss.

We the undersigned, directors of ———, in township number ———, range number ———, in the county aforesaid, certify that we have examined the foregoing schedule, and find the same to be correct, and that the school was conducted according to law. That there is now due said C. D. teacher, as per contract, the sum of ——— dollars and ——— cents, and that the said teacher has a legal certificate of good moral character, and of qualification to teach a common school (or of such a grade as the case may be.)

Form of certificate.

Witness our hands, this ——— day of ———, A. D. 185—.

A. B., {
C. D., { Directors.

Which schedule or schedules, certified as aforesaid by at least two directors, shall be filed by said directors with the township treasurer; and until such schedule and report, as aforesaid, shall have been filed as aforesaid, it shall not be lawful for said treasurer to pay said teacher, or any two members thereof to draw an order in favor of said teacher.

Schedules to be filed.

§ 54 School directors shall certify no schedule that reaches back to a time more than six months from the time fixed by law for the regular return and presentation of schedules to the school directors. Schedules made and certified, as aforesaid, shall, at least two days before the first Monday in April and October, be delivered by the directors to the township treasurer.

Directors limited as to date of schedule.

TOWNSHIP TREASURER—HIS DUTIES.

§ 55. The township treasurer appointed by the board of trustees, shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the board, as securities, payable to the board of the township for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer, in township ———, range ———, in ——— county, according to law. The security shall be approved by at least a majority of the board, and shall be delivered by one of the trustees to the school commissioner of the proper county. And in all cases where such treas-

Treasurer to give bond.

urer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated principal, and belonging to the township for which he is appointed treasurer; the penalty of said treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects. And every township treasurer appointed subsequent to the first, as herein provided, shall execute bond, with security, as is required of the first treasurer. The bond required in this section shall be in the following form, viz:

STATE OF ILLINOIS, } ss.
 _____ County, }

Form of bond.

Know all men by these presents, that we, A B, C D and E F, are held and firmly bound, jointly and severally, unto the board of _____, in said county, to the penal sum of _____ dollars, for the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents. In witness whereof, we have herewith set our hands and seals this _____ day of _____, A. D. 18—.

The condition of the above obligation is such, that if the above bounden A B, township treasurer of township _____, range _____, in the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office all moneys, books, papers, securities and property in his hands as such township treasurer, then this obligation to be void, or herwise to remain in full force and virtue.

A. B. [SEAL.]
 C. D. [SEAL.]
 E. F. [SEAL.]

Approved and accepted by

G. H., }
 I. J., } Trustees.
 K. L., }

To provide books
 and keep account
 of money re-
 ceived.

§ 56. Every township treasurer shall provide himself with two well bound books, the one to be called a cash book, the other a loan book. He shall charge himself in the cash book with all moneys received, stating the charge, when, from whom and on what account received; and credit himself with all moneys paid or loaned, the amount loaned, the date of the loan, the rate of interest, the time when payable, the name of the securities, or if real estate be taken, a description of the same. He shall also enter in separate accounts moneys received and moneys paid out, charging the first to debit account, and crediting the latter as follows, to-wit: 1st. The principal of the township fund, when paid in, and when paid out. 2d. The interest of the township fund, when received and when paid out. 3d. The common school fund, and other funds, when received from the school commissioner, and when paid out. 4th. The taxes received from the county collector, distinguishing between that for general school purposes and that levied for the purpose of prolonging schools. 5th. Donations received. 6th. Moneys coming from all other sources; and in all cases entering the date when received and when paid out; and he shall also arrange and keep

his books and accounts in such other manner as may be directed by the state or county superintendent, or the board of trustees. He shall also provide a book, to be called a journal, in which he shall record fully and at length the acts and proceedings of the board, their orders, by-laws and resolutions; which book shall be at all times subject to the inspection of said board, or other persons authorized by this act, or of any committee appointed by the inhabitants of the township to examine the same. And he shall also provide a book to be called a record, in which he shall enter a brief description of all notes or bonds belonging to the township, and upon the opposite page he shall note down when paid, or any remarks to show where or in what condition it is, as in the following form, viz:

Makers' names.	Date of note.	When due.	Amount.	Remarks.	Form
A. B. C. D. E. F.	January 1st, 185-.	January 1st, 185-.	\$90 00	January 6, 185-; handed to I. J., (eq., for collection (or Jan. 6, 185- paid.)	

§ 57. The township treasurers shall loan, upon the following conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution. The rate of interest shall be ten per centum per annum, payable half yearly in advance. The time for which loans shall be made shall not be less than six months nor more than five years. For all sums not exceeding one hundred dollars, loaned for not more than one year, two responsible securities shall be given; for all sums over one hundred dollars and for all loans for more than one year, security shall be given by mortgage on real estate, unincumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the satisfaction of the board of trustees for the time being. Notes, bonds, mortgages and other securities taken for money or other property, due or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name suits, actions and complaints, and every description of legal proceedings, may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided*, however, that notes, bonds, mortgages and other securities in which the name of the school commissioner, or of the trustees of schools, are inserted, shall be valid to all intents and purposes; and suit shall be brought in the name of the board of trustees as aforesaid. The wife of

the mortgagor (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act.

§ 58. Mortgages to secure the payment of money loaned under the provisions of this act may be in the following form, viz :

Form of mortgage

I, A B, of the county of ———, and state of ———, do hereby grant, convey and transfer to the board of trustees of township ———, range ———, in the county of ———, and state of Illinois, for the use of the inhabitants of said township, the following described real estate, to wit: (Here insert premises) Which real estate I declare to be in mortgage for the payment of ——— dollars loaned to me, and for the payment of all interest that may accrue thereon, to be computed at the rate of ——— per cent. per annum until paid. And I do hereby covenant to pay the said sum of money in ——— years from the date hereof and to pay interest on the same at the rate aforesaid half-yearly in advance. I further covenant that I have a good and valid title to said estate, and that the same is free from all incumbrance; and that I will pay all taxes and assessments which may be levied on said estate; and that I will give any additional security that may at any time be required by said board of trustees; and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises; and in consideration of the premises C, wife of said A B doth hereby release to the said board all her right and title of dower, in the aforegranted premises, for the purposes aforesaid.

In testimony whereof we have hereunto set our hands and seals, this ——— day of ———, 18—.

A. B., [SEAL.]
C. D., [SEAL.]

Mortgage to be recorded

Which mortgage shall be acknowledged and recorded, as is required by law for other conveyances of real estate, the mortgagor paying the expenses of acknowledgment and recording, and fifty cents as a fee to the township treasurer.

§ 59. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants; but mortgages made in any other form to secure payment as aforesaid shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law, the value of improvements liable to be destroyed shall not be included.

Additional security

§ 60. In all cases where the board of trustees shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon, to the date of judgment: *Provided*, that proof be made of the said requisition. In the payment of debts by executors and administrators, those due the common school or township fund shall have a preference over all other debts, except funeral and other expenses attending the last sickness, not including the

physician's bill. And it shall be the duty of the township treasurer to attend at the office of the probate justice upon the proper day, as other creditors, and have any debts due as aforesaid probated and classed, to be paid as aforesaid.

§ 61. If default be made upon the payment of interest due upon money loaned by any school commissioner or township treasurer, or in the payment of the principal, interest at the rate of twelve per cent. per annum shall be charged upon the principal and interest from the day of default, which shall be included in the assessment of damages, or in the judgment in suit or action brought upon the obligation to enforce payment thereof; and interest as aforesaid may be recovered in action brought to recover interest only. And the said township treasurers are hereby empowered to bring appropriate actions, in the name of the board of trustees, for the recovery of the half-yearly interest, when due and unpaid, without suing for the principal, in whatever form secured, and justices of the peace shall have jurisdiction in such cases of all sums under one hundred dollars.

Defaults in payment of interest.

Bring suits

§ 62. All suits brought, or actions instituted under the provisions of this act, may be brought in the name of the "board of trustees of township ———, range ———," except as is provided for action *qui tam* in this act, or in favor of school commissioners. The township treasurer shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to his township. He shall keep the township fund loaned at interest; and if on the first Monday of October in any year there shall be any interest or other funds on hand which shall not be required for distribution, such amount not required as aforesaid may, if the board of trustees see proper, forever be considered as principal in the funds to which it belongs, and loaned as such.

All suits and actions brought in the name of the board

§ 63. On the first Mondays of April and October, of every year, the township treasurer shall lay before the board of trustees a statement, showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half-yearly meeting on the township lands and township funds, and also the amount of state and county fund interest on hand. He shall also lay before the said trustees all books, notes, bonds, mortgages, and all other evidence of indebtedness belonging to the township, for the examination of the trustees, and shall make such other statement as the board may require touching the duties of his office.

Statement to be made in April and October.

§ 64. For any failure or refusal to perform all the duties required of township treasurer by law, he shall be liable to the board of trustees upon his bond, to be recovered by action of debt by said board, in their corporate

Penalty

name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if said treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board or a majority of them, entered upon their journal and subscribed by their president and clerk, then and in that case the members of the said board aforesaid, or those of them voting for said requisition or order as aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township, to be recovered by action of *assumpsit*, in the official name of the school commissioner, for the use of the proper township.

Bonds, mort-
gages, &c., to
be delivered to
successors.

§ 65. When a township treasurer shall resign, or be removed, and at the expiration of his term of office, he shall pay over to his successor in office all money on hand, and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description, in which the corporation may have any interest whatever; and in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section. And for any failure to comply with the requisitions of this section, he shall be liable to a penalty of not less than ten nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained; and the obtaining or payment of said judgment shall in no wise discharge or diminish the obligation of his official bond.

TOWNSHIP AND COUNTY SCHOOL FUNDS.

School fund shall
be added to the prin-
cipal in certain
cases.

§ 66. All bonds, notes, mortgages, and other evidences of indebtedness, moneys and effects, in the hands of any school commissioner, trustee of schools, township treasurer, or other officer, or person, and belonging to any county or township, and which have heretofore accrued, or may hereafter accrue from the sale of the sixteenth section, or of the common school lands of any township or county, or for the sale of any real estate or other property taken for any debt, or on any judgment, due to the principal of any county or township fund, and all surplus interest and other funds which have been or shall hereafter be carried to and made part of the principal of any township or county funds, by any law which has heretofore been or may hereafter be enacted, in the hand of any county, township, or other officer or person, and belonging to any county or township, and all sums arising from the loaning or reloaning of the principal of any township or county fund, are hereby declared to be and shall forever hereafter constitute the principal of the township or county fund, to which-

ever it may respectively belong, and no part thereof shall ever be distributed or expended for any purpose whatever, except the interest, rents and profits thereof, but shall be loaned out, and held to use, rent or profit, as herein, heretofore or may hereafter be provided by law.

§ 67. School funds collected from taxes levied by the orders of the directors, or from the sale of property belonging to any district shall be paid out on the order of the directors; and all moneys and school funds, liable to distribution, not being principal, paid into the township treasury, or coming into the hands of the township treasurer, shall be paid out only on the order of the proper board, signed by a majority of the board, or their president and clerk; and for all payments made, receipts shall be taken and filed; and in all such orders shall be stated the purpose for which or on what account drawn; and all such orders may be in the following form, to wit:

School funds to be paid out on order of directors.

The treasurer of township number ———, range number ———, in ——— county, will pay to ——— or bearer, ——— dollars and ——— cents, (on his contract for repairing ——— school house, or otherwise, as the case may be.) By order of the board of ——— said township.

Form of order.

A B, President.

C D, Clerk.

Which, together with the receipt of the person to whom paid, shall be filed in the office of the township treasurer.

Order and receipts to be filed

[COMMON SCHOOL FUNDS.]

§ 68. The common school fund of this state shall consist of such sum as will be produced by the annual levy and assessment of two mills upon each dollar's valuation of all the taxable property in the state; and there is hereby levied and assessed, annually, in addition to the revenue for state purposes, the said two mills upon each dollar's valuation of all the taxable property in the state, to be collected and paid, and the amount due from the state, according to a statement and settlement of the account between the state and that fund, under the provisions of an act, entitled "An act to provide for the distribution and application of the interest on the school, college and seminary fund," approved on the seventh of February, one thousand eight hundred and thirty-five, and of all funds which have been or may be received by the state from the United States, for the use and support of common schools; and also of the money added to the common school fund, which was received from the United States under an act of congress providing for the distribution of the surplus revenue of the United States, and which was invested in bank stock by authority of the state, and of the amount added to the

Common school fund.

Provision

school fund under an act requiring the three per cent. fund to be invested in state bonds: *Provided*, that in cases where, heretofore, the state taxes have not been collected in any county, such county shall not be entitled to a distribution of the college, seminary and school fund, for the period of time that no such taxes have been collected, and that the portion of the fund aforesaid shall in such cases be distributed without regard to such county.

State to pay interest

§ 69. The state shall pay an interest of six per cent. per annum upon the amount of the aforesaid common school funds, except on so much thereof as may be realized from the levy of the tax directed to be levied under the provisions of this act, which shall be paid annually, and applied to the support of common schools, as herein provided. The state shall also pay, as aforesaid, and at the same time, an interest of six per centum per annum upon the amount due the college and seminary fund; which interest shall be loaned to the common school fund, and known in this law and applied in all cases as interest on the common school fund as aforesaid.

Duty of auditor.

§ 70. On the first Monday in January, in each and every year next after taking the census of the state, the auditor of public accounts shall, under the supervision of the commissioners of the school fund of the state, ascertain the number of white children in each county in the state, under twenty years of age, and shall thereupon make a dividend to each county of two-thirds the sum from the tax levied and collected under the provisions of the sixty-eighth section of this act; and the interest due on the school, college and seminary fund, in proportion to the number of white children in each county under the age aforesaid, and of the remaining one-third, in proportion to the number of townships and parts of townships in each county, and issue his warrant to the school commissioner of each county upon the collector thereof. And upon presentation of said warrant by the school commissioner to the collector of his county, said collector or treasurer shall pay over to the school commissioner the amount of said warrant out of the first specie funds which may be collected by him, and not otherwise appropriated by law, taking said commissioner's receipt therefor; and on settlement with the auditor, said collector shall be credited with the amount specified in said receipt, in the same manner as if it had been paid into the treasury. Dividends shall be made as aforesaid, according to the proportions ascertained to be due to each county annually thereafter, until another census shall have been taken, and then dividends shall be made and continued as aforesaid, according to the last census: *Provided*, that if any collector shall fail or refuse to pay, in gold or silver, the amount of the aforesaid warrant, or any part thereof,

Provision

by the first day of March annually, or so soon thereafter as it may be presented, it shall be competent for the school commissioner to proceed against said collector and his securities, in an action of debt, in the county court; which court is hereby vested with full power and authority to hear and determine all such suits, render judgment and issue execution; or said suit may be brought in any court having jurisdiction; and the said collector shall pay twelve per centum, to be assessed as damages, upon the amount due, and which shall be included in the judgment obtained against him.

COMPENSATION OF OFFICERS.

§ 71. Collectors of the two mill tax, authorized under section sixty-eight of this act, shall only be entitled to two per cent. on the amount collected by them. School commissioners shall be allowed to retain, out of the township funds of the township for which the services may be rendered, three per cent. upon the amount of sales of school lands, and upon the real estate taken for debt, for their services in making such sales, including such other services connected therewith as are required by the provisions of this act, and two per cent. they may retain upon the amount of all sums distributed, paid or loaned out by them for the support of schools.

Compensation of
school commis-
sioners.

72. Township treasurers shall be allowed to retain two per cent. upon all sums paid out or loaned by them, except upon moneys raised by virtue of any district tax; but they shall not retain the said two per cent. unless the money is actually paid in and reloaned to another person: *And, provided, also*, that county treasurers shall not be entitled to any commissions upon school taxes collected and paid over to them by county or township collectors: *And, it is provided, further*, that the board of trustees may reduce said treasurers' compensation; and said boards shall, and it is hereby made their duty, to make a reasonable allowance to said treasurers for their services performed as clerks of said boards, to be paid out of the township funds. School commissioners, trustees of schools, school directors, and all other school officers, shall be exempted from working on the roads, serving on juries and military duty.

Township treas-
urer.

Proviso.

LIABILITIES OF OFFICERS.

§ 73. If any school commissioner, trustee of schools, township treasurer, director, or any other person entrusted with the care, control, management, or disposition of any school, college, seminary, or township fund, for the use of any county, township, district, or school, shall convert any

Liabilities of of-
ficers.

such funds, or any portion thereof, to his own use, he shall be liable to indictment, and upon conviction, shall be fined in not less than double the amount of money converted, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

§ 74. Trustees of schools shall be liable, jointly and severally, for the sufficiency of securities taken from township treasurers; and in case of judgment against said treasurers and their securities, for or on account of any default of any such treasurer, on which the money shall not be made for want of sufficient property whereon to levy execution, actions on the case may be maintained against said trustees, jointly or severally, and the amount not collected on said judgment shall be recovered with costs: *Provided*, that if said trustees can show, satisfactorily, that the security taken from the treasurer as aforesaid was, at the time of said taking, good and sufficient, they shall not be liable as aforesaid.

Lien upon real
estate from date
of process.

§ 75. The real estate of school commissioners, of township treasurers, and all other school officers, and of the securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against said commissioners and treasurers, and other officers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands, until satisfaction thereof be obtained; and no sale or alienation of real estate by any commissioner, treasurer or other officer, or security aforesaid, shall defeat the lien created by this section, but all and singular such real estate held, owned, or claimed as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

Failure to make
returns

§ 76. Trustees of schools, or either of them, failing or refusing to make returns of children in their township, according to the provisions of this act, or if either of them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten dollars nor more than one hundred dollars, to be recovered by action of *assumpsit*, before any justice of the peace of the county, which penalty, when collected, shall be added to the township fund; and if any school commissioner, director or trustee, or either of them, or other officer whose duty it is, shall negligently or wilfully fail or refuse to make, furnish, or communicate the statistics and information, or shall fail to discharge the duties enjoined upon them, or either of them, at the time and in the manner required by the provisions of this act, such delinquent or party offending shall be liable to a fine of twenty-five dollars, to be recovered before any justice of the peace, on information, in the name of the people of the state of Illinois, and when

collected shall be paid to the school commissioner of the proper county for the use of schools.

§ 77. School commissioners, trustees of schools, directors and township treasurers, or either of them, and any other officer having charge of school funds or property, shall be responsible for all losses sustained by any county, township, or school fund, by reason of any failure on his or their part to perform the duties required of him or them by this act, or by any rule or regulation authorized to be made by this act; and each and every of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount thereof may be recovered, in a civil action, before any court having jurisdiction thereof, at the suit of the state of Illinois, for the use of the county, township, or fund injured; and the amount, when collected, shall be paid to the proper officer, for the benefit of said county, township, or fund injured.

All officers responsible.

COSTS, TENURE OF OFFICERS AND CONTRACTS UNDER FORMER LAWS.

§ 78. No justice of the peace, probate justice, constable, clerk of any court, or sheriff, shall charge any costs, in any suit where any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff, and shall be, from any cause, unsuccessful in such suit. School commissioners appointed heretofore shall continue in office until superseded, according to the provisions of this act, and their duties, responsibilities, and powers shall be governed by the provisions herein named. Trustees of school lands heretofore appointed, and trustees of schools heretofore elected, shall, also, continue to discharge the duties of their office until trustees of schools are elected under the provisions of this act. Townships heretofore incorporated shall, without any further action or proceeding, be considered as incorporated under the provisions of this act, and the trustees and other officers shall continue to discharge their duties till suspended by appointment or election under this law; and all school directors and officers heretofore appointed, shall continue in office until superseded by the election, as provided in this act, and shall be governed by the provisions of the laws heretofore in force, unless otherwise directed by this act. Leases of school lands shall remain valid and be executed according to the laws under which they were made. Common school lands, valued and offered for sale and remaining unsold, shall be sold upon terms prescribed by this act. All taxes levied and contracts made under the laws hereby repealed, shall remain valid, and all rights, remedies, defences, and causes of action existing, or which may here-

No cost to be charged in certain cases.

Term of office.

Leases remain valid.

after exist or arise, under or by virtue of said repealed laws, shall continue and remain valid, and shall be enforced, notwithstanding the repeal of said laws, unless canceled according to the provisions of this act.

OF CITIES AND INCORPORATED TOWNS.

Of cities and incorporated towns

§ 79. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities or incorporated towns, except that it shall be the duty of the several boards of education or other officers of any city or incorporated town having in charge schools under the provisions of any of the said special acts, or of any ordinance of any city or incorporated town, on or before the second Monday of October preceding each regular session of the general assembly of this state, or annually, if required so to do by the state superintendent, to make out and render a statement of all such statistics and other information in regard to schools, and the enumeration of children or white persons, as required to be communicated by township boards of trustees or directors under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the school commissioner of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or town is situated; nor shall it be lawful for the county school commissioner or any other officer or person to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education or other officer or person of any township, city or incorporated town, unless a report of the number of children or white persons, and other statistics relative to schools and a statement of such other information as are required of the boards of trustees or directors, as aforesaid, and of other school officers and teachers under the provisions of this act, shall have been filed at the time or times aforesaid, specified in this section, with the school commissioner of the proper county, as aforesaid.

Schools of persons of color.

§ 80. In townships in which there shall be persons of color the board of trustees shall allow such persons a portion of the school fund equal to the amount of taxes collected for school purposes from such persons of color in their respective townships.

COMMON SCHOOL LANDS.

Common school lands.

§ 81. Section number sixteen in every township granted to the state by the United States for the use of schools, and such sections and parts of sections as have been or may be granted as aforesaid, in lieu of all or part of section

number sixteen, and also the lands which have been or may be selected and granted as aforesaid, for the use of schools, to the inhabitants of fractional townships in which there is no section number sixteen, or where such section shall not contain the proper proportion for the use of schools in such fractional townships, shall be held as common school lands; and the provisions of this act referring to common school lands shall be deemed to apply to the lands aforesaid.

§ 82. All the business of such townships, so far as relates to common school lands, shall be transacted in that county which contains all or a greater portion of said lands. If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log standing or being upon any school lands, such person shall forfeit and pay for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight dollars; which penalty shall be recovered, with costs of suit, by an action of debt or assumpsit, before any justice of the peace having jurisdiction of the amount claimed, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by action of *qui tam*, in the name of any person who will first sue for the same—one-half for the use of the person suing, the other half to the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed. Every trespasser upon common school lands shall be liable to indictment, and upon conviction, fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as in other cases of misdemeanor. All penalties and fines collected under the provisions of this section shall be paid to the township treasurer, and be added to the principal of the township fund; and all other fines, penalties and forfeitures imposed or incurred in any of the circuit courts of this state, or collected by justices of the peace or other county officers, except fines collected in incorporated towns or cities for the violation of the by-laws or ordinances of said towns or cities, shall be paid to the school commissioner of the county where such fines, penalties and forfeitures have been collected, and the same shall be distributed by said commissioner in the same manner as the common school funds of the state are distributed; and if any county officer or justice of the peace aforesaid shall fail or refuse to pay as aforesaid, after collection, such officer or justice of the peace, so failing or refusing to pay as aforesaid, shall forfeit and pay double the amount of such fine, penalty or forfeiture as aforesaid, collected by him, to

Trespass.

Penalties.

be recovered before any court having jurisdiction, in a civil action, at the suit of the school commissioner.

SALE OF COMMON SCHOOL LANDS.

Sale of school
lands.

§ 83. When the inhabitants of any township or fractional township shall desire the sale of the common school land of the township or fractional township, they shall present a petition to the school commissioner of the county in which the school lands of the township, or the greater part thereof, lie, for the sale thereof; which petition shall be signed by at least two-thirds of the white male inhabitants of the township or fractional township of and over twenty-one years of age. The signing of the petition must be in the presence of two citizens of the township, after the true meaning thereof shall have been explained; and when signed an affidavit shall be affixed thereto by the two citizens, proving the signing in the manner aforesaid, and stating the number of white male inhabitants in the township or fractional township of and over twenty-one years of age; and said petition, so proved, shall be delivered to the school commissioner for his action thereon: *Provided*, that no whole section shall be sold in any township containing less than two hundred inhabitants; and common school lands in fractional townships may be sold when the number of inhabitants and number of acres are in the ratio of two hundred to six hundred and forty, but not before.

Provide

Tracts sold with
land patents.

§ 84. When the petition and affidavits are delivered to the school commissioner as aforesaid, he shall notify the trustees of said township thereof, and said trustees shall immediately proceed to divide the land into tracts or lots of such form and quantity as will produce the largest amount of money; and after making such division, a correct plat of the same shall be made, representing all divisions, with each lot numbered and defined, so that its boundaries may be forever ascertained. Said trustees shall then fix a value on each lot, having regard to the terms of sale, certify to the correctness of the plat, stating the value of each lot per acre, or per lot, if less than one acre, and referring to and describing the lot in the certificate, so as fully and clearly to distinguish and identify each lot; which plats and certificate shall be delivered to the school commissioner, and shall govern him in advertising and selling said lands.

Division of
lots.

§ 85. In subdividing common school lands for sale, no lot shall contain more than eighty acres, and the division may be made into town or village lots, with roads, streets or alleys between them and through the same; and all such divisions, with all similar divisions hereafter made, are

hereby declared legal; and all such roads, streets and alleys, public highways.

§ 86. The terms of selling common school lands shall be to the highest bidder, for cash, with the privilege to each purchaser of borrowing from the school commissioner the amount of his bid for any period not less than one or more than five years, upon his paying interest and giving security, as in case of money loaned by township treasurer, as provided in this act. Terms of selling.

§ 87. The place of selling common school lands shall be at the court house of the county in which the lands are situated; or the trustees of schools may direct the sale to be made on the premises; and upon the reception by the school commissioner of the plat and certificate of valuation from the trustees, he shall proceed to advertise the said land for sale, in lots as divided and laid off by said trustees, by posting notices thereof in at least six public places in the county, forty days next anterior to the day of sale, describing the land, and stating the time, terms and place of sale; and if any newspaper is published in said county, said advertisement shall be printed therein for four weeks before the day of sale—if none, then it shall be sold under the notice aforesaid. Place of selling.

§ 88. Upon the day appointed, the school commissioner shall proceed to make sales, as follows, viz: He shall begin at the lowest number of lots and proceed regularly to the highest, till all are sold or offered. No lot shall be sold for less than its valuation by the trustees. Sales shall be made between the hours of ten o'clock A. M. and six o'clock P. M., and may continue from day to day. The lots shall be cried separately, and each lot cried long enough to enable any one present to bid who desires it. Notice.

§ 89. Upon closing the sales each day, the purchasers shall each pay, or secure the payment of the purchase money, according to the terms of sale; or in case of his failure to do so by ten o'clock the succeeding day, the lot purchased shall be again offered at public sale, on the same terms as before, and if the valuation or more shall be bid, shall be stricken off; but if the valuation be not bid, the lot shall be set down as not sold. If the sale is or is not made, the former purchaser shall be required to pay the difference between his bid and the valuation of the lot; and in case of his failing to make such payment, the school commissioner may forthwith institute an action of debt or assumpsit, in his name, as commissioner, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to judgment, with costs of suit; which, when collected, shall be added to the principal of the township fund. And if the amount claimed does not exceed one hundred dollars, the School commissioner to make sales.

Payment to be secured.

suit may be instituted before a justice of the peace; but if more than that sum, then in the circuit court of any county wherein the party may be found.

Unsold lands
subject to sale
at valuation

§ 91. All lands not sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and school commissioners are authorized and required, when in their power, to sell all such lands at private sale, upon the terms at which they are offered at public sale.

Trustees to cause
a new valuation

§ 91. In all cases where common school lands have been heretofore valued, and have remained unsold for two years, after having been offered for sale, or shall hereafter remain unsold for that length of time, after being valued and offered for sale in conformity to this act, the trustees of schools where such lands are situated may vacate the valuation thereof, by an order to be entered in book A, of the school commissioner, and cause a new valuation to be made, if in their opinion the interests of the township will be promoted thereby. They shall make said second valuation in the same manner as the first was made, and shall deliver to the school commissioner a plat of such second valuation, with the order of vacation, to be entered as aforesaid; whereupon said school commissioner shall proceed in selling said lands in all respects as if no former valuation had been made: *Provided*, that the second valuation may be made by the trustees of schools, without petition, as provided in this act.

Proviso.

Certificates of
purchase

§ 92. Upon the completion of every sale by the purchaser, the school commissioner shall enter the same on book B, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and the price paid therefor; which certificate shall be evidence of the facts therein stated.

Statement of the
school commissioner
to county court

§ 93. At the first regular term of the county court in each year, the school commissioner shall present to the court of his county—first, a statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book, (book B;) second, statements of the amount of money received, paid, loaned out, and on hand, belonging to each township or fund under his control—the statement of each fund to be separate; third, statements copied from his loan book, (book C,) showing all the facts in regard to loans which are required to be stated upon the loan book; all of which the county court shall thereupon examine and compare with the vouchers, and the said county court, or so many of them as may be present at the term of the court, shall be liable individually to the fund injured, and to the securities of said school commissioner, in case

judgment be recovered of said securities, for all damages occasioned by a neglect of the duties, or any of them, required of them by this section: *Provided*, nothing herein contained shall be construed to exempt the securities of said school commissioner from any liability as such securities, but they shall still be liable to the fund injured the same as if the county commissioners were not liable.

§ 94. The school commissioner shall also, at the time aforesaid, transmit to the auditor of public accounts a full and exact transcript from book B of all the sales made subsequent to each report. The statement required to be presented to the county court, shall be preserved and copied by the clerk of said court into a well bound book, kept for that purpose, and the list transmitted to the auditor shall be filed, copied and preserved in like manner.

§ 95. Every purchaser of common school land shall be entitled to a patent from the state, conveying and assuring the title. Patents shall be made out by the auditor from returns made to him by the school commissioner. They shall contain a description of the land granted; and shall be in the name of and signed by the governor, countersigned by the auditor, with the great seal of the state affixed thereto by the secretary of state, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the school commissioner of the proper county, to be by him delivered to the patentee, his heirs or assigns, upon the return of the original certificate of purchase; which certificate, when returned, shall be filed and preserved by the school commissioner.

§ 96. Purchasers of common school lands, and their heirs and assigns, may obtain duplicate copies of their certificates of purchase, and of patents, upon filing affidavit with the school commissioner in respect to certificates, and with the auditor in respect to patents, proving the loss or destruction of the originals; and such copies shall have all the force and effect of the originals.

ACTS REPEALED—PUBLICATION AND DISTRIBUTION OF THE ACT.

§ 97. An act entitled "An act to establish and maintain common schools," approved February 12th, 1849, and an act to amend said act, approved February 12th, 1851, and an act entitled "An act to increase the school fund," approved February 10th, 1853, and all other acts and parts of acts coming in conflict with the provisions of this act,

are hereby repealed. This act to be in force from and after its passage.

Number of copies
to be printed
and distributed.

§ 98. The public printer is hereby required to print fifty thousand copies of this act, under the direction of the superintendent of public instruction, who shall first make a perfect index hereto, to be distributed by him according to population and territory, among the several counties of the state, and deposited with school commissioners, to be distributed by them to the different officers under this law.

APPROVED Feb. 16, 1857.

Enacted Feb. 18
1857.

AN ACT for the establishment and maintenance of a Normal University.

Enacted Feb. 18
1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That C. B. Denio, of Jo Daviess county, Simeon Wright, of Lee county, Daniel Wilkins, of McLean county, C. E. Hovey, of Peoria county, George B. Rex, of Pike county, Samuel W. Moulton, of Shelby county, John Gillespie, of Jasper county, George Bunsen, of St. Clair county, Wesley Sloan, of Pope county, Ninian W. Edwards, of Sangamon county, John Eden, of Moultrie county, Flavel Mosely, of Cook county, Wm. H. Wells, of Cook county, Albert R. Shannon, of White county, and the superintendent of public instruction, ex officio, with their associates, who shall be elected as herein provided, and their successors, are hereby created a body corporate and politic, to be styled "The Board of Education of the State of Illinois," and by that name and style shall have perpetual succession, and have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to acquire, hold and convey real and personal property, to have and use a common seal, and to alter the same at pleasure; to make and establish by-laws and alter or repeal the same as they shall deem necessary for the government of the normal university hereby authorized to be established or any of its departments, officers, students or employees, not in conflict with the constitution and laws of this state, or of the United States; and to have and exercise all powers, and be subject to all duties usual and incident to trustees of corporations.*

Enacted Feb. 18
1857.

Enacted Feb. 18
1857.

Enacted Feb. 18
1857.

§ 2. The superintendent of public instruction, by virtue of his office, shall be a member and secretary of said board, and shall report to the legislature at its regular sessions the condition and expenditures of said normal university, and communicate such further information as the said board of education or the legislature may direct.

§ 3. No member of the board of education shall receive any compensation for attendance on the meetings of the board, except his necessary traveling expenses; which shall be paid in the same manner as the instructors employed in the said normal university shall be paid. At all the stated and other meetings of the board called by the president, or secretary, or any five members of the board, five members shall constitute a quorum, provided all shall have been duly notified.

Members not to receive compensation.

§ 4. The objects of the said normal university shall be to qualify teachers for the common schools of this state, by imparting instruction in the art of teaching, in all branches of study which pertain to a common school education, in the elements of the natural sciences, including agricultural chemistry, animal and vegetable physiology, in the fundamental laws of the United States and of the state of Illinois in regard to the rights and duties of citizens, and such other studies as the board of education may from time to time prescribe.

Object of association.

§ 5. The board of education shall hold its first meeting at the office of the superintendent of public instruction, on the first Tuesday in May next, at which meeting they shall appoint an agent, fixing his compensation, who shall visit the cities, villages and other places in the state, which may be deemed eligible for the purpose, to receive donations and proposals for the establishment and maintenance of the normal university. The board shall have power and it shall be their duty to fix the permanent location of said normal university, at the place where the most favorable inducements are offered for that purpose: *Provided*, that such location shall not be difficult of access, or detrimental to the welfare and prosperity of said normal university.

Time of meeting of board of education.

§ 6. The board of education shall appoint a principal, lecturer on scientific subjects, instructors and instructresses, together with such other officers as shall be required in the said normal university, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause, after having given ten days' notice of any charge which may be duly presented and reasonable opportunity of defence. They shall also prescribe the text books, apparatus and furniture to be used in the university, and provide the same; and shall make all regulations necessary for its management. And the board shall have power to recognize auxiliary institutions when deemed practicable: *Provided*, that such auxiliary institutions shall not receive any appropriation from the treasury, or the seminary, or university fund.

Appoint principal and lecturer

Text book.

Provide auxiliary.

§ 7. Each county within the state shall be entitled to gratuitous instruction for one pupil in said normal uni-

Each county entitled to gratuitous instruction for pupils.

Application of pupils.

Selected by lot.

Required to file declaration.

Appropriation.

Term of office.

versity; and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: The school commissioner in each county shall receive and register the names of all applicants for admission in said normal university, and shall present the same to the county court, or in counties acting under township organization to the board of supervisors, which said county court or board of supervisors, as the case may be, shall, together with the school commissioner, examine all applicants so presented in such manner as the board of education may direct, and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot; and in representative districts composed of more than one county, the school commissioner and county judge, or the school commissioner and chairman of the board of supervisors, in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court, or board of supervisors, of the several counties represented and found to possess the requisite qualifications, shall select by lot the number of pupils to which said district is entitled. The board of education shall have discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she will teach in the public school within the state, in case that engagements can be secured by reasonable efforts, to require such candidate to provide for the payment of such fees for tuition as the board may prescribe.

§ 8. The interest of the university and seminary fund, or such part thereof as may be found necessary, shall be and is hereby appropriated for the maintenance of said normal university, and shall be paid on the order of the board of education from the treasury of the state; but in no case shall any part of the interest of said fund be applied to the purchase of sites, or for buildings for said university.

§ 9. The board shall have power to appropriate the one thousand dollars received from the Messrs. Meriams, of Springfield, Massachusetts, by the late superintendent, to the purchase of apparatus for the use of the normal university, when established, and hereafter, all gifts, grants and demises, which may be made to the said normal university shall be applied in accordance with the wishes of the donors of the same.

§ 10. The board of corporators herein named, and their successors, shall each of them hold their office for the term

of six years: *Provided*, that at the first meeting of said board, the said corporators shall determine by lot, so that one-third shall hold their office for two years, one-third for four years, and one-third for six years. The governor, by and with the advice and consent of the senate, shall fill all vacancies which shall at any time occur in said board, by appointment of suitable persons to fill the same.

Vacancies, how filled.

§ 11. At the first meeting of the board, and at each biennial meeting thereafter, it shall be the duty of said board to elect one of their number president, who shall serve until the next biennial meeting of the board and until his successor is elected.

Elect president.

§ 12. At each biennial meeting it shall be the duty of the board to appoint a treasurer, who shall not be a member of the board, and who shall give bond with such security as the board may direct, conditioned for the faithful discharge of the duties of his office.

Appointment of treasurer.

§ 13. This act shall take effect on and after its passage, and be published and distributed as an appendix to the school law.

APPROVED Feb. 18, 1857.

AN ACT authorizing the school directors of district No. one, in township No. twenty-four north, range four east, to sell school house and lots belonging to said district. in force Feb. 16, 1857.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the acting school directors of district number one, in township number twenty-four north, of range number four east of the fourth P. M., in Carroll county, Illinois, be and they are hereby authorized and required to sell the school house and lots on which the same is situated belonging to said district, to wit: Lot number ten (10) and a part of lot number nine (9,) being one rod wide and across the west end of said lot number nine, all in block number twelve, in the town of Mt. Carroll, as laid out by Nathaniel Halderman, and in their names as school directors of said district to execute good and sufficient deeds to the purchaser or purchasers thereof, which deed or deeds shall have the same force and effect as if made and executed by the trustees of schools of said township.

Directors authorized to sell school land.

§ 2. That the money arising from the sale of said school house and lots shall not ever be a part of the school fund of said township, but the same are hereby given and granted to said school district for the purpose of building a new school house in said district.

Not to be a part of school fund.

Directors to pay
over funds to
treasurer.

§ 3. The said school directors, on receipt of the purchase money for said school house and lots, shall pay the same to the treasurer of said township, which money shall remain in the treasury of said township, subject at any time to be paid out on the draft of said school directors to any contractor furnishing materials or any person employed by said school directors in building or constructing a new school house in said district. This act to take effect from and after its passage.

APPROVED Feb. 18, 1857.

10 March April 20, 1857. AN ACT to legalize the acts of the commissioners of highways in the town of Bloomingdale, and county of Du Page.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the acts of the commissioners of highways for the town of Bloomingdale, in the county of Du Page, in surveying, laying out and establishing roads and public highways in said town, from April 17th, 1851, to February 12th, 1853, be and the same are hereby legalized and confirmed, so far as they have been opened and worked; and all roads surveyed, laid out and opened by them are hereby declared public highways.

APPROVED Feb. 16, 1857.

10 June 1 Oct. 10, 1857. AN ACT fixing the time of holding the circuit court of Monroe county, in the second judicial circuit.

Time of holding
court.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That hereafter the circuit courts for the county of Monroe, in the second judicial circuit, shall be holden at the court house in said county on the second Mondays of April and September.

Wills, &c., re-
spondent.

§ 2. All writs, recognizances, subpoenas and other process which may have been or may be issued out of and made returnable to the next term of the circuit court as heretofore required to be holden, shall be deemed and taken to be returnable to the next term of said court, as required to be holden under this act; and all notices which may have been or may be given, either by publication or otherwise, with reference to the next term of said court as

heretofore required to be holden, shall by force of this article refer to the next term of said court as herein required to be holden; and all proceedings pending in said court shall be taken up and disposed of as if no alteration had been made in the time of holding said court.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 16, 1857.



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